
Report To:	Education & Communities Committee	Date:	7 May 2019
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	EDUCOM/45/19/RB
Contact Officer:	Ruth Binks	Contact No:	01475 712761
Subject:	National updates and guidance		

1.0 PURPOSE

- 1.1 The purpose of this report is to give an overview of current and emerging national updates related to education.

2.0 SUMMARY

- 2.1 Education Scotland's programme for inspections includes thematic reviews on mathematics and also on readiness for empowerment. The empowerment reviews will cover readiness for empowerment, curriculum leadership and parent and pupil participation. Inverclyde has been, and will be, involved in the national samples for inspection. The first publication on readiness for empowerment was published in December 2018. The second national thematic inspection focused on curriculum leadership and how well headteachers and schools are empowered to design their curriculum in line with Curriculum for Excellence and in collaboration with their school community. The outcome of this inspection was published in March 2019. The Thematic inspection for Curriculum Leadership focused on the following areas:

- rationale and design of the curriculum
- development of the curriculum; and
- leadership of learning.

- 2.2 The Scottish Government has recently published several documents on inclusion. These are:

- Guidance to education authorities on their duty to provide education in a mainstream setting unless certain exceptions apply.
- Implementation of Additional Support for Learning 2017-18.
- Additional Support for Learning: Research on the experience of children and young people and those that support them.

3.0 RECOMMENDATIONS

- 3.1 The Education and Communities Committee is asked to note the current and emerging updates on curriculum and inclusion.

Ruth Binks
Corporate Director
Education, Communities & Organisational Development

4.0 BACKGROUND

- 4.1 Education Scotland's programme for inspections includes thematic reviews on mathematics and also on readiness for empowerment. The empowerment reviews will cover readiness for empowerment, curriculum leadership and parent and pupil participation. Inverclyde has been, and will be, involved in the national samples for inspection. The first publication on readiness for empowerment was published in December 2018. The second national thematic inspection focused on curriculum leadership and how well headteachers and schools are empowered to design their curriculum in line with Curriculum for Excellence and in collaboration with their school community.

5.0 CURRENT POSITION

- 5.1 The outcome of the curriculum inspection was published in March 2019. Education Scotland inspectors looked at the following areas:
- rationale and design of the curriculum
 - development of the curriculum; and
 - leadership of learning.

The report made the following recommendations:

- Support children and young people, parents and wider partners to engage with schools in evidence-based decision making about curriculum design and development.
- Further develop partnerships across the system to improve curriculum flexibility and provide progression pathways which prepare learners for lifelong learning and the world of work.
- Ensure all teachers have access to high quality professional learning; can collaborate across schools; and are able to be system leaders who energise and share curriculum developments across the country.

The following key strengths were found:

- Improving the curriculum remains a high priority for schools across Scotland. Headteachers are empowered to work with staff, pupils, parents and wider partners to design learner pathways which best suit the needs of their local community. In most cases, they are well supported to do this by their local authority.
- A broad range of local, national and international evidence is being used to inform curriculum development. Teachers are developing curriculum frameworks and courses to suit their local circumstances and provide relevant learning experiences.
- Within a range of supportive policies and guidance, teachers are increasingly being creative and taking the lead to improve learning and teaching across the curriculum.
- There are increasing opportunities to work collaboratively across schools and local authorities. This is supporting improvement across the system and an increasingly effective implementation of the principles of Curriculum for Excellence across the country.

The following aspects for improvement were identified:

- Build on current approaches to more consistently collaborate on curriculum development with parents and wider partners, including other schools across local authorities and regional improvement collaboratives.
- Involve children and young people more in the development of the curriculum and evaluation of its impact.
- Address staffing shortages, particularly in rural areas, to ensure teachers can participate in opportunities for professional learning and schools are able to deliver a curriculum that best suits the needs of children and young people.
- Continue to develop partnerships with colleges, employers and third sector organisations to further improve progression through the curriculum, increase the pace of delivering DYW priorities and provide an appropriate range of learning pathways for all young people.

The full document is attached as Appendix 1.

<https://education.gov.scot/Documents/ThematicInspectionEmpowermentCurriculumLeadership.pdf>)

5.2 The following three documents on inclusion were recently published by the Scottish Government.

- Updated presumption of mainstreaming guidance. This document outlines the key features of inclusion and developing inclusive practice, gives guidance on deciding on the right provision for a child or young person and outlines the legislative framework and where exceptions may apply. The full document is attached as Appendix 2. (<https://www.gov.scot/publications/guidance-presumption-provide-education-mainstream-setting/>)
- Implementation of Additional Support for Learning 2017-18. This report was published in March 2019 and is intended to set out the picture of implementation of Additional Support for Learning. It is framed across the period April 2017-June 2018. The report uses statistical information to build that picture, and comments on recent developments in, and related to, additional support for learning.

The Additional Support for Learning Act was established in 2004 and came into practice in 2005. The Act was revised in 2009 and again in 2016. The most recent changes came into practice on 10 January 2018.

The 2009 Act places Scottish Ministers under duties to collect and publish information on additional support for learning. This is done each year, through the national pupil census collection and publication. From 2010 until 2016, Scottish Ministers reported to Parliament on the implementation of additional support for learning. This report follows on from that, but is no longer required by law. The full report is attached as appendix 3.

(<https://www.gov.scot/publications/implementation-additional-support-learning-2017-2018/>)

- Additional Support for Learning: Research on the experience of children and young people and those that support them. This report was published in March 2019 and uses qualitative research to explore the experiences of children and young people of additional support for learning, and the experiences of those who support them. The full report can be accessed at the link below but the executive summary is attached as Appendix 4. (<https://www.gov.scot/publications/additional-support-learning-research-experience-children-young-people-those-support/>)

6.0 IMPLICATIONS

Finance

6.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

6.2 N/A.

Human Resources

6.3 N/A.

Equalities

6.4 Has an Equality Impact Assessment been carried out?

Yes See attached appendix

No This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

Repopulation

6.5 N/A

7.0 CONSULTATIONS

7.1 N/A

8.0 BACKGROUND PAPERS

8.1 None.



Thematic Inspection of Empowerment for Curriculum Leadership

March 2019

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Foreword

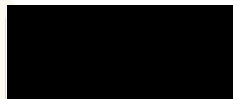
Together we can achieve change quicker and better than working alone. That has been a key theme of the Joint Agreement between Scotland's stakeholders in education, the School Empowerment Steering Group. That progress was seen in the publication of the [Thematic Inspection of Readiness for Empowerment](#) (December 2018) and is further evidenced with the publication of this report.

Part of Education Scotland's role is to carry out national thematic inspections that will gather evidence on school empowerment. Each thematic inspection looks at a different theme: readiness for empowerment; curriculum leadership; and parent and pupil participation. This report draws together the findings from the second thematic inspection Empowerment for Curriculum Leadership that took place in the spring term of 2019.

I am once again encouraged that the evidence gathered by HM Inspectors provides examples of education staff across Scotland working collaboratively with pupils, parents and partners to provide more flexible curriculum pathways and learn together.

There continues to be more to be done as schools are empowered to lead curriculum change within an ethos of collaborative learning. Schools should continue to discuss and review the curriculum in line with Curriculum for Excellence, the changing workforce and the skills required for the 21st century. Care should be taken to ensure that the curriculum guidance and frameworks provided to support schools in their curriculum journey are not restrictive, but support teachers to be innovative to improve outcomes for children and young people.

I hope staff can benefit from the findings of this report and use them to design a curriculum that is local, based around the learner and clearly reflects the needs of the local community. The final national thematic review on empowerment will be published later in 2019 and provide further evidence on the progress being made to establish an empowered education system.



Gayle Gorman

HM Chief Inspector of Education

Introduction

The [Education Reform – Joint Agreement](#) published in June 2018 sets out the collective agreement by a commissioning group including the Scottish Government, COSLA, SOLACE, ADES and Education Scotland:

‘Improving the education life chances of our children and young people is the defining mission of our Scottish education system. Our shared ambition is to close the unacceptable gap in attainment between our least and most disadvantaged children and to raise attainment for all. We are clear that our vision of excellence and equity cannot be achieved by one part of the system alone; all partners must work together in a collegiate and collaborative way, keeping the interests of children and young people front and centre. Empowered, responsible and collaborative schools are an important part of our shared vision for Scottish education.’

The Joint Agreement sets out agreed principles, enablers and measures that will support and encourage the empowerment of schools in Scotland. These include the commitment that Education Scotland would carry out three inspections in the 2018-19 academic year looking at the following themes: Readiness for Empowerment; Curriculum Leadership; and Parent and Pupil Participation.

This report provides the findings related to the second of these thematic inspections on Curriculum Leadership.

Scope of the Empowerment for Curriculum Leadership thematic inspection

Over the period January to March 2019, Education Scotland visited 43 schools from the primary, secondary and special sectors across 32 local authorities. During their visits, HM Inspectors discussed how schools are leading collaborative work to co-design and develop the curriculum and empower collaboration and collegiality. They engaged with various groups, including senior leadership teams, teachers, non-teaching staff, pupils, parents¹ and wider partners and looked at relevant documentation.

¹ Throughout this report, the term ‘parents’ should be taken to include foster carers, residential care staff and carers who are relatives or friends.

Evidence was gathered for each of the following areas:



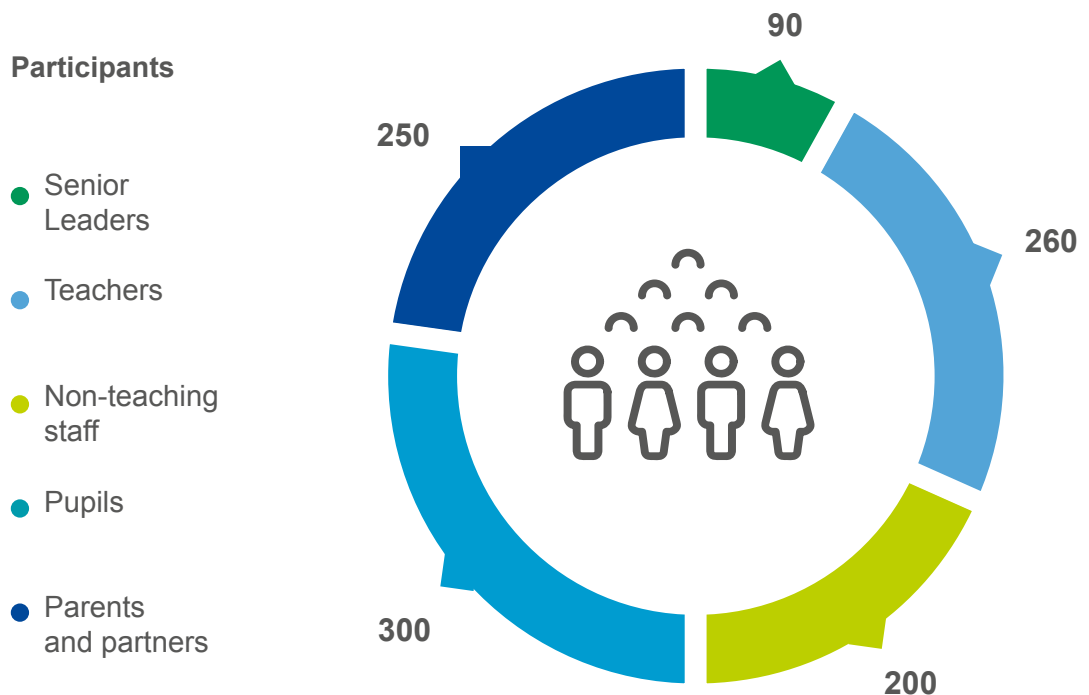
Curriculum: How well are headteachers and schools empowered to design their local curriculum in line with Curriculum for Excellence and in collaboration with their school community?

Leadership of learning: How well are headteachers and schools empowered to lead learning in line with Curriculum for Excellence and in collaboration with their school community?

Schools visited were asked to complete a self-evaluation of their empowerment for curriculum leadership and to provide evidence against the two categories above. This was used as a starting point for gathering evidence for the thematic inspection.

Education Scotland’s findings are summarised in the remainder of this report under the headings above. In each section and overarching narrative key messages, information on evidence from the thematic inspection visits together with views from participants and illustrations of practice are provided.

Participants in the thematic inspection



Thematic inspection findings

1. Curriculum: How well are headteachers and schools empowered to design their local curriculum in line with Curriculum for Excellence and in collaboration with their school community?

Almost all headteachers² and schools feel empowered to make decisions about their curriculum to best meet the needs of their children and young people within the local community. They develop distributive leadership and staff feel empowered to work with pupils, parents and partners with the aim of improving outcomes for learners, reducing inequalities and closing the poverty-related attainment gap. In most schools, the curriculum rationale is reviewed regularly. Almost all schools are increasingly consulting pupils, parents and partners on the design of the curriculum. However, schools now need to include pupils, parents and partners much earlier in discussions about curriculum design to ensure they have increasing influence on developments. Schools should also provide more opportunities for pupils to be part of the evaluation of the impact of curriculum changes.

In almost all primary schools, there is a focus on improving curriculum breadth and progression, particularly in literacy, numeracy, science and skills for work. In secondary schools, teachers are concerned about the number and timing of changes to Scottish Qualification Authority's (SQA) courses over the last few sessions, which has impacted on planning for progression. Almost all are now revisiting the broad general education (BGE) to plan better aligned learning pathways between the BGE and senior phase. In conjunction with colleges, schools are improving vocational pathways for young people. In a majority of secondary schools difficulties in recruiting staff in some subjects is constraining curriculum developments.

Key messages

- Improving the curriculum continues to be a high priority for schools. Headteachers welcome the autonomy they have to work with their staff to develop a curriculum, which best suits the needs of their local community. They often find the support, challenge and guidance from their local authority helpful when considering changes to the curriculum.
- Headteachers work in collaboration with staff on curriculum design. There is now a need to more consistently collaborate with parents, pupils and wider partners on the design and evaluation of the curriculum.
- Teachers increasingly use a range of local, national and international evidence to inform curriculum development. Most adapt curriculum frameworks and courses to suit their local circumstances and to provide interesting and relevant learning experiences.
- Schools, particularly in rural areas, continue to find it difficult to recruit teachers. This limits opportunities to lead curriculum improvements and, in some instances, provide a local curriculum which meets the needs of children and young people
- Collaboration with colleges is an increasing feature of practice. Schools and colleges now need to build on this positive work to develop an appropriate range of vocational learning pathways for all young people.

² Throughout this report references to headteachers, teachers and others relate to those who participated in this thematic inspection



Structuring and delivering a curriculum to provide flexible learning pathways

Headteachers in almost all schools are empowered to structure and deliver a curriculum, which takes account of local and national circumstances. This supports them to provide flexible learning pathways for children and young people. In almost all schools, staff are encouraged to take the lead in aspects of curriculum design in order to improve outcomes for children and young people. Most local authorities provide curriculum support to schools through the collaborative development of progression frameworks. Teachers value this guidance and can adapt these frameworks to meet the needs of their pupils. A few secondary teachers are concerned that a reduced choice of courses in S4 leads to a perception of more limited options for young people following academic pathways in S5 and S6. This continues to be part of the curriculum discussion across secondary schools. In most schools, staff are using Pupil Equity Funding creatively to provide opportunities to introduce learning experiences that are bespoke to the needs of children and young people who face the greatest barriers in their learning.

Using information from a range of sources to support informed debate

Most senior leadership teams use an appropriate range of local and national sources of information to encourage debate about the curriculum. This is resulting in teachers developing a much better understanding about how learning can be delivered within their school. A few schools make use of current curriculum research to refresh, review and shape programmes of learning to ensure children and young people are motivated and engaged in their learning. To support an empowered system all teachers need to be involved in discussions about the curriculum and how it meets the needs and aspirations of children and young people.

All schools are using information from Curriculum for Excellence and Getting it right for every child (GIRFEC) to inform debate and discussion about the curriculum they need to deliver. Most are taking account of Developing the Young Workforce (DYW) to deliver a curriculum, which includes an understanding of the world of work and vocational pathways. However, there continues to be a need to increase progress in delivering DYW priorities and ensure pupils and parents are aware of the range of vocational options and pathways available.



Engaging with pupils, parents and the local community

While almost all headteachers consult with parents and pupils on the vision for the curriculum, they do not yet collaborate with them sufficiently in discussions about curriculum design or evaluating the impact of curriculum change. In a few schools, ongoing involvement of the school community and partners in the design of the curriculum helps them contribute to planning. This is leading to greater involvement of local employers to strengthen the delivery of aspects of DYW, including opportunities for work experience.

A few schools have formal mechanisms in place which harness the skills and knowledge of parents and partners to support the delivery of the curriculum. Where this works well it promotes co-designing learner pathways which best meet the needs of all children and young people.

Views of headteachers on curriculum

'We have a social mandate to help young people out of poverty. Our curriculum is designed to support that.'

02. 'We need to be flexible and creative with our staffing, our resources, our partnerships and our curriculum pathways. We couldn't do this without the support and understanding of the education authority.'

03. 'We are confident and empowered within a supportive framework.'

'The Pupil Equity Fund has allowed us to deliver learning experiences that we couldn't have done before.'

05. 'Partnerships are wonderful and they bring the skill set we need but they bring challenges too.'

06. 'Vocational education has impacted significantly on attainment.'

Views of teachers on curriculum

01. 'I feel quite empowered to make connections and decisions about the curriculum. Where it works really well is where there are good relationships. It feels very much like we're all in this together.'

02. 'There continues to be disconnect in the system between the BGE in primary and secondary. Exams are still the gold standard which creates tension in the system.'

03. 'We are enabled to deliver a pertinent and relevant curriculum.'

04. 'We empower young people to work alongside industry professionals.'

'Our curriculum goes everywhere to meet the needs of all.'

05. 'I feel empowered to offer additional opportunities to young people. Through the Eco Club young people are learning about sustainability and the impact of plastics in the world.'

Views of parents and partners on curriculum

01. 'The school nurtures all of its pupils: those who are academic and those who have different skills and interests.'

02. 'The school has developed my skills and confidence as well as my child's.'

03. 'Staff here understand my child as an individual and plan activities which help them progress.'

05. 'If the school thinks something can add value then they are keen to embrace it.'

04. 'We are able to shape what we are doing when we know the needs of young people.'

06. 'In this school parents are seen as co-educators, learners, policymakers and change agents.'

Views of pupils on curriculum

01. 'All staff are very supportive. They go out of their way to ensure you get the subject of your choice.'

02. 'If we're interested in something the school will find a way for us to learn about it.'



Illustrations of practice related to the curriculum

As part of a primary curriculum refresh, school staff engaged with almost all stakeholders and over 70 community partners and businesses. This is helping staff to build a curriculum which is embedded in the local community and provides opportunities for learning in wider contexts. As part of the ongoing development of the curriculum, staff, parents and children worked together to identify five mind frames which children are encouraged to develop as they progress through their learning.

The school's partnership model of curriculum development is very effective. The partnership group consists of staff, parents and partners. Aspects of the curriculum are given to the group to develop and evaluate. The partnership model successfully created a three-year school community wellbeing strategy. This brought about significant change in relation to mental wellbeing, nurture, knowledge of adverse childhood experiences and how they can be addressed through a community approach.

In response to the impact gang culture was having on the local community, teachers from a few schools established a group to support children to make better choices. They met with parents, health practitioners, the Violence Reduction Unit and many other community groups to identify the main challenges faced by children and young people living in the area. A driver document was written in collaboration with partners. Children in P7 were then involved in developing the curriculum. Pupil Equity Funding has secured the services of a community youth worker to continue to develop this area of the curriculum.

A rural secondary school has collaborated very well with a neighbouring secondary school, the local authority and the college to provide increased vocational learning pathways. Through a consortium arrangement there continues to be a wide range of academic options for young people.

Thematic inspection findings

2. Leadership of learning: How well are headteachers and schools empowered to lead learning in line with Curriculum for Excellence and in collaboration with their school community?

Headteachers are increasingly adept at creating the conditions for effective empowerment of staff to improve learning and teaching. They support staff well to undertake roles which focus on leading improvements in the curriculum. Difficulties in staffing mean that headteachers sometimes have to cover classes which impacts on how well they can lead learning and how often staff participate in a range of professional learning and dialogue. Most support staff feel they would be further empowered to support children and young people through improved access to high quality professional learning.

Local authorities and regional improvement collaboratives need to continue to increase opportunities for staff to work across schools and authorities to share practice and improve leadership of learning and pedagogy. Where collegiate learning cultures are developing, it is important to evaluate how well these lead to improved pedagogy and measurable impact on outcomes for children and young people.

Key messages

- Teachers should continue to take advantage of increasing opportunities to work collaboratively across schools and local authorities. This will support improvement across the system and an increasingly consistent quality of learning and teaching across the country.
- The quantity and quality of collegiate learning continues to improve. Schools are finding creative ways to use time for professional learning. The Attainment Scotland Fund is supporting schools to build in ways to evaluate the impact of improved pedagogy on outcomes for learners.
- Where there are difficulties in staff recruitment this impacts on teachers participating in collaborative activities such as professional enquiry, action research and curriculum development.
- The level of professional learning for support staff in schools is too varied. There is a need to increase opportunities for support staff to participate in high quality professional learning relevant to their local context.



Conditions for empowerment focusing on leading learning and teaching

Almost all headteachers create conditions for effective empowerment at all levels, supporting staff to undertake roles which focus on leading and improving learning and teaching. In secondary schools, almost all principal teachers and faculty heads continue to be key leaders of learning and teaching within curriculum areas, supporting teachers to lead within their subjects. While almost all staff are keen to take a lead on elements of learning and teaching they sometimes find this challenging due to difficulties finding staff cover.

Collaboration within and across schools to strengthen their understanding and implementation of the curriculum

Almost all staff work collaboratively within their schools. They participate in collegiate working groups and stage or departmental activities to improve learning and teaching. In primary schools, joint planning across Curriculum for Excellence levels is improving teachers' understanding of standards across the curriculum. Most teachers take part in professional learning led by collaborative networks to develop their understanding of curriculum areas and subjects. Most work collaboratively across their associated school group, particularly on moderation activities and arrangements to support learners at points of transition. In a few local authorities, schools work together more widely to help teachers share high quality learning and teaching. A few schools benefit from partnerships developed through the regional improvement collaboratives to extend collaboration and their understanding of key national policies.

Collegiate learning culture leading to improved pedagogy and outcomes

Almost all teachers are participating in different forms of collegiate learning within their schools. They are making good use of peer observation and using it to share practice and improve learning and teaching. Increasingly, teachers are participating in professional enquiry or small-scale research projects which are impacting positively on outcomes for children and young people. There continues to be a need to ensure that, in all cases, the impact of professional learning on improving quality and consistency in learning and teaching and outcomes for learners is evaluated.

Views of headteachers on leadership of learning

01. 'Closing the poverty-related attainment gap is a key purpose and goal for the school.'

'Developing leaders is the key to improving learning and teaching.'

03. 'If we were fully staffed developing leadership across the school would be easier.'

04. 'Creating an ethos where teachers are happy to take risks helps to develop a culture of distributed leadership.'

Views of teachers and support staff on leadership of learning

01. 'It would be a rare occasion that we were not able to attend a course or network meeting. Our own professional learning is seen as very important to school life'

02. 'Staff constraints means it is almost impossible to get cover for classes and attend opportunities for our own learning.'

03. 'I am participating in the council's leadership for learning programme. As a result I am leading on digital learning within the school and getting a chance to see the bigger picture.'

04. 'The leadership team are good at identifying people's strengths and supporting them to build on these.'

Views of pupils on leadership of learning

01. 'There are no barriers here. The school is always bringing out opportunities for us to lead.'

'My job as a digital leader is to harness new software and programmes and to help teachers and pupils make better use of technology.'

03. 'The school is creating young people with a strong sense of right and wrong who can add to the community.'

04. 'When you suggest things, normally they will happen.'

05. 'The school teaches us to have a voice and not just be a by-stander.'

06. 'Pupils are not involved in decisions, just the staff.'



Illustrations of practice related to leading learning

Across the school, teachers undertake a broad and varied range of lead roles, which impact positively on learning and teaching and outcomes for children. They co-ordinate aspects of curriculum development, for example 1+2 languages, creativity, physical education and nurture. All P3 to P7 teachers support pupil leadership groups. Working alongside pupils, staff use these groups to bring about effective change within the school and the local community. The groups also provide very good opportunities for children to contribute to the life and ethos of the school as a community.

The school has strong international links and uses them well to encourage leadership of learning. All primary teachers and some support staff participated in an immersion course in French as part of a commitment to delivering French as an additional language. This experience increased the confidence of staff in delivering French in the school and enabled staff time to learn and engage in discussion with colleagues from other schools in Scotland and beyond.

Empowerment for curriculum leadership overall findings

The thematic inspection 'Readiness for empowerment' identified six dimensions of empowerment which are important levers for change. The inspection report highlighted that the dimensions can apply at all different levels of the education system to ensure that decisions about children's and young people's learning and school life are taken within schools, supported by parents and the local community. The following table uses the six dimensions of empowerment to highlight practice which is emerging in schools and next steps to continue to increase empowerment for curriculum leadership.

Autonomy

Senior leaders are developing a culture of leadership for learning which allows teachers to take measured risks, be creative and innovate across the curriculum. All teachers should continue to embrace this developing culture and regard themselves as leaders of learning across the system.

Professional learning

Teachers are increasingly participating in professional learning which is collaborative and generating evidence of improvement in outcomes for learners. Further extension of these approaches would increase improvement across the system.

Participation and engagement

Increasingly schools are developing processes to engage more fully with pupils, parents and wider partners to develop the curriculum. They should accelerate the collaboration with these groups to gather evidence on the impact of the curriculum and make decisions about next steps.

Collaboration

Teachers are collaborating within their schools and across associated school groups. They are starting to explore the benefits of engaging with schools who have similar goals in other local authorities. Engagement with regional improvement collaboratives will help to increase collaboration across schools.

Resources

The Attainment Scotland Fund and Pupil Equity Funding are providing resources to some to bring about improvement. There is a continuing need to focus on increasing the number of teachers, particularly in rural areas where access to additional funding is more limited.

Impact

Teachers are aware of the need to demonstrate the impact of the developments they implement. They should continue to build on the increasing use of data to demonstrate the impact of interventions and identify next steps.



Key strengths

- Improving the curriculum remains a high priority for schools across Scotland. Headteachers are empowered to work with staff, pupils, parents and wider partners to design learner pathways which best suit the needs of their local community. In most cases, they are well supported to do this by their local authority.
- A broad range of local, national and international evidence is being used to inform curriculum development. Teachers are developing curriculum frameworks and courses to suit their local circumstances and provide relevant learning experiences.
- Within a range of supportive policies and guidance, teachers are increasingly being creative and taking the lead to improve learning and teaching across the curriculum.
- There are increasing opportunities to work collaboratively across schools and local authorities. This is supporting improvement across the system and an increasingly effective implementation of the principles of Curriculum for Excellence across the country.

Aspects for improvement

- Build on current approaches to more consistently collaborate on curriculum development with parents and wider partners, including other schools across local authorities and regional improvement collaboratives.
- Involve children and young people more in the development of the curriculum and evaluation of its impact.
- Address staffing shortages, particularly in rural areas, to ensure teachers can participate in opportunities for professional learning and schools are able to deliver a curriculum that best suits the needs of children and young people.
- Continue to develop partnerships with colleges, employers and third sector organisations to further improve progression through the curriculum, increase the pace of delivering DYW priorities and provide an appropriate range of learning pathways for all young people.



Recommendations

- Support children and young people, parents and wider partners to engage with schools in evidence-based decision making about curriculum design and development.
- Further develop partnerships across the system to improve curriculum flexibility and provide progression pathways which prepare learners for lifelong learning and the world of work.
- Ensure all teachers have access to high quality professional learning; can collaborate across schools; and are able to be system leaders who energise and share curriculum developments across the country.

Appendix 1: Schools visited

School	Local authority
Kaimhill Primary School Hospital and Home Tuition Service	Aberdeen City Council
Auchenblae Primary School	Aberdeenshire Council
Maisondieu Primary School Monifieth High School	Angus Council
Oban High School	Argyll and Bute Council
St Bernadette's RC Primary School	Clackmannanshire Council
Creetown Primary School Sanquhar Academy	Dumfries and Galloway Council
Mill of Mains Primary School Grove Academy	Dundee City Council
Kilmarnock Academy Park School	East Ayrshire Council
Bearsden Academy	East Dunbartonshire Council
Dunbar Primary School	East Lothian Council
Eastwood High School	East Renfrewshire Council
Falkirk High School Maddiston Primary School	Falkirk Council
Kilmaron School Lochgelly High School	Fife Council
Croftcroighn Primary School St Margaret Mary's High School St Thomas' Primary School	Glasgow City Council
St Joseph's Primary School	Inverclyde Council
Beeslack Community High School	Midlothian Council
Speyside High School	Moray Council
Lawthorn Primary School	North Ayrshire Council
Firpark Special School Kilsyth Primary School	North Lanarkshire Council
Stromness Academy	Orkney Islands Council
St. John's RC Academy Luncarty Primary School	Perth and Kinross Council
Inchinnan Primary School	Renfrewshire Council
Parkside Primary School	Scottish Borders Council
Aith Junior High School	Shetland Islands Council
Carrick Academy	South Ayrshire Council
Townhill Primary School Trinity High School	South Lanarkshire Council
Stirling High School	Stirling Council
Currie Community High School St Margaret's RC Primary School	The City of Edinburgh Council
Holm Primary School Kilchuimen Academy	The Highland Council
Edinbarnet Primary School	West Dunbartonshire Council
Sgoil an lochdar	Western Isles Council (Comhairle nan Eilean Siar)
Bridgend Primary School	West Lothian Council

Appendix 2: Explanation of terms of quantity

The following standard Education Scotland terms of quantity are used in this report:

All <i>100%</i>	Almost all <i>91%-99%</i>	Most <i>75%-90%</i>
Majority <i>50%-74%</i>	Minority/less than half <i>15%-49%</i>	A few <i>< 15%</i>

Other quantitative terms used in this report are to be understood as in common English usage.

Education Scotland

Denholm House
Almondvale Business Park
Almondvale Way
Livingston EH54 6GA

T +44 (0)131 244 4330

E enquiries@education.scot.nhs.uk

www.education.gov.scot

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Guidance on the presumption to provide education in a mainstream setting

March 2019

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MINISTERIAL FOREWORD

Scottish education has an inclusive ethos. Everyone involved in the education of Scotland's children and young people is working towards a single, clear vision for Scottish education – excellence and equity for every child and young person in Scotland.



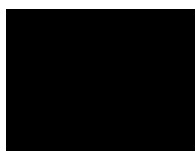
Each and every child and young person should be involved in their own education and have a voice to shape their experience. They should be provided with the support they need to reach their full learning potential.

We have made extensive policy and legislative changes over the past 15 years to enable those with additional support needs to thrive as part of their class, their school and their wider community. We must continue to make sure that all of our children and young people feel included and can participate and achieve to their full potential.

An inclusive approach affords all children and young people the opportunity to be a part of a community, boosting their emotional wellbeing and aiding the development of social skills. Scotland's inclusive approach celebrates diversity and allows all children and young people to develop an understanding and recognition of differences, contributing to the development of an increasingly inclusive, empathetic and more just society.

We are committed to mainstreaming as a central pillar of our inclusive approach to education. The Scottish approach to inclusion is already world-leading; our legislative and policy commitments are amongst the most extensive in the world. However, we must improve the *experience* of inclusion for all pupils if we are to deliver on the promise of such an ambitious framework. Being present in a mainstream school should not be the primary marker of successful inclusion.

This guidance aims to bridge the gap between legislation, policy and day-to-day experience, ensuring that children and young people have equitable access to a quality education which meets their needs and helps them achieve their full potential. I would like to thank the Advisory Group on Additional Support for Learning and the Advisory Group on the Guidance of Presumption of Mainstreaming for their efforts in bringing this piece of work to fruition.



JOHN SWINNEY MSP
DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION
AND SKILLS

1 INTRODUCTION

1. This document is to provide guidance to education authorities on their duty to provide education in a mainstream school or early learning and childcare setting unless certain exceptions apply. This guidance sets this duty within the context of other policies and related duties. It also sets the presumption of mainstreaming within inclusive practices. This guidance is for policy and decision makers in education authorities, education authority officers, senior management teams in schools and early learning and childcare settings and all school and early learning and childcare staff.

2. The Scottish Government believes that mainstreaming must be delivered within an inclusive approach. The Scottish vision for inclusive education, which applies to all settings, is set out below:

‘Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach which recognises diversity and holds the ambition that all children and young people are enabled to achieve to their fullest potential is the cornerstone to achieve equity and excellence in education for all of our children and young people.’¹

3. In Scotland, the right to an education which is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential is enshrined in law.

4. This guidance aims to support:

- improved outcomes and the delivery of excellence and equity for all children and young people
- meeting the learning needs of all children and young people
- an inclusive approach which identifies and addresses barriers to learning for all children
- and empowers children and young people, parents and carers, teachers, practitioners and communities

5. Inclusive practice is considered in this document through four key features of inclusion. These can be used to evaluate whether or not inclusive practices are in place. These are:

- Present
- Participating
- Achieving
- Supported

These features will be explored further throughout this document.

¹ This definition builds on research by Professors Mel Ainscow and Susie Miles

6. Since the duty to provide education in a mainstream school or early learning and childcare setting was introduced in 2003, the legislative and policy landscape in Scotland has changed. Annex A sets this out in detail.

7. There is a clear, single vision for Scottish education – excellence and equity for every child and young person in Scotland.

8. To realise this ambitious vision and the legislation and policy that underpins it, more needs to be done to get it right for every child and to ensure that they are all experiencing equity and excellence.

2 KEY FEATURES OF INCLUSION AND DEVELOPING INCLUSIVE PRACTICE

9. Inclusive practice is important whatever the setting, whether it be within a mainstream or special school. There are four key features of inclusion which can be used to set expectations and evaluate inclusive practice in schools and early learning and childcare settings. These are present, participating, achieving and supported. Together these four features support the delivery of inclusive learning environments for all children and young people that enable them to reach their full potential.

10. Some aspects of the four features may interlink. For example, children and young people must be present in order to participate, as a result, elements of practice associated with the key features may also overlap.



PRESENT

Key expectations:

- **All** children and young people should learn in environments which best meet their needs
- **All** children and young people should be fully engaged in the life of their school, through the inclusive ethos, culture and values of the school
- **All** children and young people should receive a full time education including flexible approaches to meet their needs

11. The presumption of mainstreaming enshrines the right of all children and young people with additional support needs to learn in mainstream schools and early learning and childcare settings. Children and young people must be present, in person or engaged via virtual means, in order to benefit from learning. Presence is a fundamental requirement of inclusive practice.

12. Presence is also evidenced by attendance at school. [Included, Engaged and Involved – Part 1: Attendance in Scottish schools](#) provides guidance to education authorities and schools on the promotion of attendance and reduction of absence. The guidance explores attendance in relation to a range of circumstances, including additional support for learning and absence due to ill health. The use of technology may assist where a child is unable to attend school due to ill health or other factors, [Guidance on the education of children unable to attend school due to ill health](#) provides further guidance. Presence is also evidenced by a reduced level of exclusions from school, where exclusion is the last resort in the context of promoting positive relationships and behaviour. Education authorities and schools are guided in this by [Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions](#)

13. The wellbeing indicators within the [Getting it Right For Every Child approach](#) are of particular relevance to practitioners in this context. The wellbeing indicator [‘Included’](#) reflects the need for children and young people to have the opportunity, and be encouraged, to play an active part in the communities in which they live and learn. The [‘Achieving’](#) Indicator is also relevant, enabling children and young people to be supported to help them to progress and develop the skills, ambition and know how that will help create a positive future for them.

Evaluation

14. The [How Good is Our Early Learning and Childcare?](#) and [How Good is Our School? \(4th edition\)](#) Quality Indicators provide a framework for the evaluation of the effectiveness of educational establishments on improving outcomes for children and young people. The Quality Indicators 2.4 Personalised Support and 2.5 Family Learning are particularly relevant in relation to presence. They focus on how well children and young people are supported to overcome barriers to learning and how families are engaged in learning. Quality Indicator 3.1 Ensuring Wellbeing, Equality and Inclusion is of key importance due to its focus on fulfilment of statutory duties and the impact of the school’s and early learning and childcare setting’s approaches to wellbeing to support inclusion and equality.

15. [How Good is Our School part 2](#) helps children and young people to have a say in how well their school is helping them be fully engaged and is relevant across all the key features. Theme 5 is especially helpful: Our relationships includes friendships, relationships with teachers and other adults who support us, opportunities to influence things, equality and fairness, ethos and culture, feeling supported and cared for.

PARTICIPATING

Key expectations:

- **All** children and young people should have their voices heard in decisions about their education. Including decisions on where they learn
- **All** children and young people will have the opportunity to participate and engage as fully as possible in all aspects of school or early learning and childcare life, including trips and extracurricular activity
- **All** children and young people should be enabled and supported to participate in their learning
- Children and young people with additional support needs, who are aged 12-15, also have extended rights within the ASL framework to use rights on their own behalf to affect decisions made about them

16. Participation does not only refer to school work, homework and involvement in subjects which may pose challenges for individual children and young people. Participation is also about addressing involvement in the wider school and local community; it is about feeling included as a peer, forming firm relationships and friendships and developing the skills for lifelong learning and success. Participation is full involvement in the life of the school through events, trips, school plays, sports and community events; it is about finding an avenue for children and young people to contribute and feel that their contribution is valued. All opportunities to participate in the life of the school should be available to all pupils, including those requiring additional support, and these should be appropriately supported.

17. In schools and early learning and childcare settings, learner participation is core to a good education. As part of all educational experiences, it is a child and young person's right to have a say in matters that affect them. It is intended that children and young people have the opportunity to learn about participation; participating through expressing their views; help shape educational provision; participating in decisions leading to meaningful impacts and outcomes, and monitor and evaluate their participation and impact. Education Scotland have developed [Learner Participation in Educational Settings \(3-18\)](#) to guide practice in this area.

18. Article 12 of the United Nations Convention on the Rights of the Child sets out children's rights to respect for their views. The Children and Young People's Commissioner Scotland has developed resources to support the participation of children and young people. The [7 Golden Rules for Participation](#) are a set of principles that anyone working with children and young people can use to ensure that children and young people's participation is meaningful.

19. Within the Getting it Right For Every Child approach the Wellbeing Indicators '[Included](#)' and '[Respected](#)' are relevant. In addition to being encouraged to play an active part in the communities in which they live and learn, children and young people should be being treated with dignity and respect, feel listened to and taken seriously by those around them and be treated as individuals in their own right with their own needs, expectations and aspirations.

Evaluation

20. Quality Indicators 2.4 Personalised Support and 2.5 Family Learning from the How Good is Our Early Learning and Childcare and How Good Is Our School? 4 are relevant to the Participating feature of Inclusion. These indicators focus on the provision of high-quality support to enable all children and young people to achieve success and how well their outcomes are improving as a result of participation in family learning. Quality Indicator 3.1 from these frameworks is important both in relation to the fulfilment of statutory duties and inclusion and equality.

ACHIEVING

Key expectations:

- **All** children and young people should be achieving to their full potential
- **All** children and young people should have access to a varied curriculum tailored to meet their needs

21. This guidance is very clear on the ambition the Scottish Government has for each and every child and young person in Scotland – all children and young people should receive the support that they need to reach their full potential, in learning, life and work. Curriculum for Excellence sets out children and young people’s entitlements to education through both the [Broad General Education](#) and the [Senior Phase](#). These entitlements apply equally to all children and young people, including those who have additional support needs. The [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(as amended\)](#) (“the 2004 Act”) and the [Experiences and Outcomes of Curriculum for Excellence](#) enable a tailored approach to meeting the learning needs of all pupils. The delivery of the experiences and outcomes are supported by the [Curriculum for Excellence Benchmarks](#) which set out clear statements about what learners need to know and be able to do to achieve a level across all curriculum areas. Children and young people can also have their learning recognised through approaches to wider achievements. This includes approaches such as the [Duke of Edinburgh Award](#) and [ASDAN](#) which contribute to children and young people’s learning achievements as part of Curriculum for Excellence.

22. Within the Getting it Right For Every Child approach the Wellbeing Indicators ‘[Achieving](#)’ and ‘[Respected](#)’ are relevant. The Achieving Indicator is about enabling children and young people to be supported to help them progress and develop the skills, ambition and know how that will help create a positive future for them. The Respected Indicator is about children and young people being treated with dignity and respect, feeling listened to and taken seriously by those around them and be treated as individuals in their own right with their own needs, expectations and aspirations.

Evaluation

23. Quality Indicators 2.2 Curriculum, 2.3 Learning, Teaching and Assessment and 3.2 Raising attainment and achievement from the How Good is Our Early Learning and Childcare and How Good Is Our School? 4 are relevant to the Achieving feature of Inclusion. QI 2.2 focusses on learning pathways and skills for learning, life and work; this is complemented by QI 2.3 which focusses on learning and engagement,

effective use of assessment, and planning, tracking and monitoring. QI 3.2 evaluates learners' attainment, quality of learners' achievements and equity for all learners.

SUPPORTED

Key expectations:

- **All** children and young people should benefit from the ethos and culture of the school, inclusive learning and teaching practices and relationships
- **All** children and young people should be given the right help, at the right time, from the right people, to support their wellbeing in the right place
- **All** children and young people should be supported to participate in all parts of school life
- **All** children and young people should be supported to overcome barriers to learning and achieve their full potential

24. Support is primarily about how children and young people are enabled to achieve their full potential. To achieve their full potential, barriers to learning must be identified through robust assessment and addressed for all children and young people through the provision of flexible learning pathways and to enable them to participate in all parts of school life.

25. In order to support the wellbeing of all children and young people it is important to consider the [wellbeing indicators](#) of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. Children and young people's wellbeing needs should be considered against these indicators and appropriate support provided. The 2004 Act requirements to identify, provide for and to review the additional support needs of children and young people aligns well with this framework. Whilst the Getting it Right For Every Child approach is focussed on the wellbeing needs of the child or young person, the 2004 Act focusses on the support needed to overcome barriers to their learning arising from disability or health; family circumstances; learning environment or social and emotional factors.

26. Within the Getting it Right For Every Child approach [all eight of the wellbeing indicators](#) are relevant to the 'Supported' feature.

Evaluation

27. The How Good is Our Early Learning and Childcare? and How Good is Our School? (4) Quality Indicators provide a framework for the evaluation of the effectiveness of educational establishments on improving outcomes for children and young people. The Quality Indicators 2.4 Personalised Support and 2.5 Family Learning are particularly relevant. They focus on how well children and young people are supported to overcome barriers to learning and how families are engaged in learning. Quality Indicator 3.1 Ensuring Wellbeing, Equality and Inclusion is of key importance due to its focus on fulfilment of statutory duties and the impact of the school's and early learning and childcare setting's approaches to support inclusion and equality.

INCLUSIVE PRACTICE

28. The core expectations of our inclusive approach in Scotland focus on children and young people being present, participating, achieving and supported. To support practitioners, Education Scotland have developed a free online learning module '[An introduction to Inclusive Education](#)'. The module is relevant for all educational practitioners and also supports teachers to meet the General Teaching Council for Scotland (GTCS) standards for registration, Career-Long Professional Learning, and Leadership and Management; as well as supporting the Professional Update process.

29. There are eight key areas that are crucial in helping to develop inclusive practice in schools and early learning and childcare settings:

- Inclusive school values and ethos;
- Leadership;
- Constructive challenge to attitudes;
- Evaluation of planning process;
- Capacity to deliver inclusion;
- Parental and carer engagement;
- Early intervention, prevention and strong relationships;
- Removal of barriers to learning.

30. **Inclusive school values and ethos** are essential to the delivery of inclusive educational practice. Values and ethos which recognise and value diversity and include a strong commitment to enabling and supporting all children and young people to learn and be part of school life are fundamental.

31. Strong **Leadership** is needed to promote inclusive ethos and values throughout the school community. Leadership does not only rest with the Headteacher or Manager in an early learning and childcare setting – distributed leadership at all levels is needed to deliver change and progress. Staff must be empowered and challenged to use their knowledge of the children and young people to drive inclusive practice. As the classroom leader, or ELC practitioner, their approach, their attitude and their vision will be the one predominately experienced by the children and young people in their class.

32. **Constructive challenge to attitudes** is essential to ensure that inclusion and equality lead to improved outcomes for all children and young people and that diversity is understood, valued and celebrated. It is essential that high expectations are in place for all pupils.

33. **Evaluation of planning process** is fundamental to ensuring improved learning outcomes for all pupils. Tracking and monitoring of learning outcomes over time, aligned to review of support and teaching and learning strategies will ensure progress in learning for all pupils.

34. **Capacity to deliver inclusion** is an important focus across education, not just in the context of mainstreaming and inclusion. Working with partners to deliver joint training and services builds capacity of those in schools and other services. Special schools can provide key support to their mainstream colleagues through experience of a range of highly personalised approaches including personalised learning, behavioural strategies and tailored support which may be beneficial for all pupils.

35. **Parental and carer engagement** supports improvement in learning and achievement. Strong, positive relationships are essential to this work – not only between partners but with families themselves. Just as the voice of children and young people should be listened to in their learning plans, ‘families should be consulted in a meaningful way when staff are looking at progression from their service.’ [The National Improvement Framework driver of Parental Engagement](#) reflects further on how to engage parents and carers.

36. **Early intervention, prevention and strong relationships** can have a positive impact particularly as regards the impact of socio-economic circumstances. Staff, in tandem with partners, should be informed and proactive, working to mitigate the impacts of socio-economic circumstances as part of removing barriers to learning.

37. **Removal of barriers to learning** are essential to ensure that all children and young people reach their full potential. All children with a disability, health issue or social or emotional needs benefit from high-quality targeted support. Schools and early learning and childcare settings working in partnership with others in the community can enhance support for families and, therefore, enhance outcomes in key areas. Partners are crucial in this process to provide targeted and specialist support in all environments and to ensure the improvement work being undertaken in school and early learning and childcare is also being supported at home.

3 DECIDING ON THE RIGHT PROVISION FOR A CHILD OR YOUNG PERSON

38. This chapter is primarily aimed at education authority decision makers and looks to support local authorities in making decisions on where a child should learn.

39. Information for parents and carers can be found on the [Enquire](#) website. This includes [fact sheets](#) on Choosing a School and Placing Requests.

LEGAL CONTEXT

40. Under the legislative framework there are three core elements – education, support and wellbeing. Taken together, these frameworks require education authorities to consider a wide range of issues for children and young people. Education authorities need to:

- Make provision that is directed toward the development of the personality, talents and mental and physical abilities of the child to their fullest potential;²
- Have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities, prevent discrimination against pupils with disabilities and make reasonable adjustments for individual children to ensure equality of opportunity in learning. The technical guidance for Schools in Scotland provides guidance on the requirements under the Equality Act 2010;^{3,4}
- Plan for accessibility of the curriculum, school information and physical access⁵;
- Identify and provide the support required to enable individual children and young people to overcome barriers to their learning, including looked after children and young people⁶;
- Consider the wellbeing of children and young people⁷.

41. Annex A provides more detail about the legislative and policy landscape. The table attached at Annex B sets out the main pieces of legislation related to deciding where a child should learn and areas that should be considered when making these decisions.

PRESUMPTION TO PROVIDE EDUCATION IN A MAINSTREAM SETTING

42. The presumption to provide education in a mainstream setting has been in legislation since 2003 reflecting a move towards a children's rights based approach. Section 15 of the Standards in Scotland's Schools etc. Act 2000 provides that a preschool and school aged child should be educated in a mainstream school unless one of three circumstances set out in section 15 apply. The three exceptions are

² Standards in Scotland's Schools etc. Act 2000

³ Equality Act 2010

⁴ Technical guidance for Schools in Scotland

⁵ Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

⁶ Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)

⁷ Children and Young People (Scotland) Act 2014

that it would not be suited to the ability and 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. Section 15 provides that it shall be presumed that those circumstances only arise exceptionally and that if one or more of them do arise, that the education authority may still provide education in a mainstream school but that they won't do this without taking into account the views of the child and the child's parents.

43. Section 15 is a continuing duty and can apply at any time there are decision making points about where a child should learn. Children and young people usually attend the school within their catchment area or the early learning and childcare setting of their parent or carers' choice. However, in some circumstances the education authority may propose that another school, including a special school, may be more appropriate to meet the needs of the child or young person. This decision can happen before starting at an early year and childcare setting, primary school or secondary school or any point in between if there are concerns that the current setting isn't meeting the child or young person's needs. Parents and carers can make placing requests to education authorities to ask for their child to be admitted to a particular school. Placing requests are usually made when a child is starting primary or secondary school, but they may also be made at any other point in a child's learning journey. This reflects the circumstances in which a child attends a school, but it is found that the school is unable or becoming unable to meet the child's learning needs. The different types of school are described in more detail below.

44. The legislative and policy landscape has evolved over time, reflecting increasing aspirations for Scotland's children and young people and changes in practice. This is also the case in the way in which learning is delivered across the country. In Scotland, there is a range of provision available to meet children and young people's additional support needs.

45. These include:

- **Mainstream** school provision;
- **Special** school provision;
- Provision where the pupils' needs are met through a mixture of provision, either within a unit within a mainstream school or through a mix of two different provisions. This forms a package of learning and support to meet individual needs, often referred to as **flexible provision or shared provision**.

46. **Mainstream schools** are organised by catchment area, and consist of primary and secondary schools. Some mainstream schools also have a unit or base within them.

47. **Special schools** are defined in law as schools whose sole or main purpose is to provide education especially suited to pupils with additional support needs⁸. Units or

⁸ Section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004

bases which are attached to mainstream schools (and which are wholly or mainly for pupils with additional support needs) are in law, captured within the definition of a special school.

48. The balance of provision varies from local authority to local authority and has developed due to local contexts, geography and communities and in line with the duty to provide adequate and efficient provision.

49. Schools are often organised into clusters consisting of local primary schools and the associated secondary school. This provides an opportunity for schools to learn from each other in relation to provision of support for pupils. Special schools have a wealth of experience in differentiated learning which may be shared with other schools in the cluster.

50. The glossary referenced in Annex A provides definitions for mainstream schools, special schools and other terms such as grant-aided special schools and independent schools.

51. In addition to these two main types of provision, there is in practice, within a number of local authorities, a further approach whereby a child or young person needs are met between two types of provision. For the purposes of this guidance, we will use the term **flexible provision**. Flexible provision can be, for example:

- Where a pupil attends a mainstream school and a unit within another school or learning establishment (for example a third sector service);
- Where a pupil attends a special school and also has some time in a mainstream setting;
- Where an older pupil attends school and college as part of a full-time timetable;
- Where an older pupil attends school and also benefits from vocational opportunities as part of their full-time education.

52. This list provides examples of different types of flexible provision and is not exhaustive. It should be tailored to the individual circumstances, needs and strengths of each child and young person.

53. In all circumstances these provisions are about meeting the identified needs of the individual child or young person concerned. Placement decisions should be part of a wider consideration starting from the child's needs, what supports will enable them to develop and then where this can be provided. Children and young people and their parents/carers have the right to express their views in relation to decisions that affect their education. This includes the decision on the type of provision made to meet the pupil's learning needs although ultimately decisions on placement are for local authorities to make. The education authority has to consider those views alongside professional assessments and recommendations regarding the child's needs.

54. In good practice, this would be informed by key partners such as health, social care and third sector organisations where appropriate. There should be a partnership, multi-agency approach to meeting the needs of all children and young

people under the Getting it Right For Every Child approach. Deciding on the provision that best meets the needs of the child is a complex task that requires everyone involved to take the time to get to know the child well and make a decision on a timely basis, reflecting the legally defined timescales for placing request decisions.

55. The decision should also be reviewed on a regular basis to ensure that it is still meeting the needs of the child. Assessment and planning is a dynamic process and whether current provision is still suitable for a child must be reviewed on a regular basis. Particular care should be taken with transitions into and out of different provisions. [The Supporting Children's Learning Code of Practice](#) sets out the statutory guidance on the duties around transitions.

56. The table at **Annex B** includes suggested considerations to be taken into account when assessing the most appropriate provision for an individual child or young person. This should prompt a greater focus on the learning environment and the extent to which it can support the child or young person to be present, participating, achieving and supported. If these questions highlight that there are concerns about whether mainstream is the right setting for the child then there should be an in-depth exploration of the duties under section 15 and the exceptions set out in section 4 of this document. The further questions under the exceptions at section 4 should help to increase the transparency of the decision making process, particularly for children, young people and their parents or carers.

4 HOW AND WHY COULD THE EXCEPTIONS BE APPLIED?

57. This section provides further considerations for education authority decision makers if it becomes clear that one of the exceptions might apply. Where a child or young person is in school, during the decision making process the education authority will work with the school(s) and/or early learning and childcare provider(s), parents or carers and other partners to see what further adjustments can be made to ensure that the child or young person is getting the best possible support within their current provision. Where the child or young person is not in school or an early learning and childcare setting, the decision making process will be informed by the information available about the needs of the child and young person, and information from parents and partners.

58. If there is doubt about the suitability of mainstream provision, it is the role of the education authority to use the legislation to weigh up a range of matters including the child or young person's wellbeing, in order to reach a conclusion on the application of the three exceptions outlined in the Standards in Scotland's Schools etc. Act 2000. A summary of section 15 can be found in paragraph 42 and Annex A of this document. In best practice, this process should be completed with input from all those that know the child (see paragraphs 53 and 54 of the document). The exceptions do not automatically apply and the onus is on the education authority to demonstrate that the exception should apply.

59. The decision on placement and the use of exceptions is for the education authority. Children and young people and parents or carers must be involved in this process and in good practice the decision should be informed by the class teacher and the range of professionals involved in the child's life. The planning and assessment processes used for additional support for learning and set out within the Code of Practice should be seen as providing the structure for these discussions. It should be a transparent process with timescales attached. Education authorities should be mindful of the timescales which are provided by statute in relation to placing request decisions, by way of provisions for deemed decisions. Earliest possible decisions should be made to allow for appropriate planning of any transition to a new educational setting.

60. The three exceptions set out in section 15(3) of the 2000 Act are that mainstream education:

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

The provision further states that it shall be presumed that those circumstances arise only exceptionally.

61. These terms deliberately do not overprescribe what the presumption to provide education in a mainstream school or early learning and childcare setting means in practice. Local circumstances can be very different and how efficient education can be provided will vary widely across local authorities. A difficult but essential role of local authorities is to strike a balance for the presumption of mainstream education for as many children and young people as possible and the use of specialist provision. Special schools are defined in law as schools whose sole or main purpose is to provide education especially suited to pupils with additional support needs. Units or bases which are attached to mainstream schools (and which are wholly or mainly for pupils with additional support needs) are in law, captured within the definition of a special school.

62. Guidance on how these exceptions could be interpreted is included in this section, but it is important that local authorities take account of their local circumstances and priorities when arriving at decisions. To assist authorities in their decision making process, there are a number of reflective questions in this section. If authorities have answered these questions before deciding which provision best suits a child or young person, then the decision making process is more transparent for everyone involved, including parents and carers and the children and young people at the centre of the process. As set out in the previous section, consideration should also be given to ensuring that thought is given to the key features of inclusion.

63. If the education authority considers that the child or young person cannot be supported within a mainstream environment it may be that the best option for that child or young person is a flexible placement within a unit or a base or a placement in a special school. Where one or more of the exceptions is considered to apply, the reasons for this must be clearly demonstrated.

ABILITY AND APTITUDE:

64. This exception⁹ applies where mainstream education would not be suited to the ability or aptitude of the child. This guidance frequently refers to 'achievement' as being one of the key features of successful inclusion. The terms ability and aptitude are narrower than achievement but reference to achievement reflects recent learning developments. Therefore when reflecting on achievement, ability and aptitude will be considered. It is essential that ambition is retained for all children and young people to enable them to fulfil their full learning potential. Achievement for children and young people with additional support needs is best realised through following a personalised learning pathway. It can be progress towards personal goals or the opportunity to exceed ability and aptitude with challenging and ambitious curricular and wellbeing targets. Achievement can also be more practical, and involve developing skills such as relationship-building and wider life skills. Ideally, achievement is a combination of the two, utilising the mainstream environment to include those with additional support needs alongside other learners and to aid the development of a more inclusive and just society. Achievement is about each and every child and young person fulfilling their full potential and if a child or young person is meeting learning targets and has a full experience of school life then they

⁹ Section 15(3)(a) of the 2000 Act

are being well supported by a mainstream education system. If they are not, or it appears that appropriate progress is not being made, then consideration should be given to whether they could be better supported in their current environment or whether the exception applies.

REFLECTIVE QUESTIONS ON ABILITY AND APTITUDE

Identifying and assessing additional support needs

The Getting it Right For Every Child Practice Model provides the framework for considering the needs of all children and young people. At the core of the Practice Model are the following 5 key questions staff should use when assessing the needs of children and young people:

1. What is getting in the way of this child or young person's wellbeing?
2. Do I have all the information I need to help this child or young person?
3. What can I now do to help this child or young person?
4. What can my department/school do to help this young person?
5. What additional help, if any, may be needed from others?

The bullets below provide further prompts when considering achievement.

- Does the school have effective assessment systems in place to identify the ever increasing diverse needs of children?
- Are there robust arrangements in place to ensure all learners have regular communication and discussions with a key adult to review their learning and plan next steps?
- What information about the strengths, specific needs and support systems required for each learner requiring additional support do staff have access to? Have children and young people been able to contribute to this information?
- Do children and young people and their parents or carers have curricular learning targets to work on at home and at school?
- How are children and young people encouraged to become independent learners, expressing their views and making choices?
- How are children and young people encouraged to be as involved as possible in all aspects of the school and community?
- Has the child or young person been able to make appropriate progress building on prior levels of achievement? How has that been evidenced?
- How does the school assess, track and monitor progress in learning for all children and young people including those on individual programmes?
- How are children and young people improving their wellbeing? How do the school know they are making progress?
- Is the child or young person beginning to or continuing to make progress using the wellbeing indicators?

INCOMPATIBLE WITH THE EFFICIENT EDUCATION FOR OTHER CHILDREN:

65. This exception¹⁰ recognises that the inclusion of a child or young person with additional support needs within a particular classroom or learning environment may be incompatible with the provision of efficient education for the children with whom the child would be educated. This is particularly likely to be the case where a child or young person's additional support needs include particular behaviours which could be disruptive to other children or young people, or where behaviours are a signal of concern or the child or young person's distress. These behaviours may lead to disruption for other learners, but are beyond the control of the child or young person and therefore are likely to occur regularly or frequently. Also the learning of others may be impacted where the child or young person receives support from an adult within the classroom, for medical matters, keeping the child or young person focussed and on task, or to support positive behaviour. Education authorities must consider whether the placement of the individual child or young person within a particular mainstream environment would be incompatible with the provision of efficient education for the children with whom the child would be educated. This will require careful consideration, taking the full circumstances, evidence and options for provision of proactive support to address the pupil's needs into account prior to reaching a conclusion. [Included, Engaged and Involved Part 2](#) sets out the range of supports and strategies that can be put in place to support children and young people in developing and maintaining positive relationships and behaviour. Education authority staff will need to handle discussions on these matters with parents/carers with sensitivity and honesty, recognising that consideration of this exception may feel like a rejection of their child by the school or early learning and childcare setting.

REFLECTIVE QUESTIONS ON EFFICIENT EDUCATION FOR OTHER CHILDREN

- To what extent is the placement an inclusive learning environment?
- How well does curriculum planning meet the needs of different groups of learners?
- How has or would the placement of this child or young person positively impact on the education, wellbeing and wider experience of other children and young people?
- Will the placement of this child or young person adversely impact on the education, wellbeing and wider experience of other children or young people? Can any adverse impact be overcome?
- How will the placement of this child or young person support the learning and wellbeing of the other children and young people? Equally, how might the placement of this child or young person present barriers to the learning of other children or young people?
- How will you balance the needs of all children and young people within the school or early learning and childcare setting?

¹⁰ Section 15(3)(b) of the 2000 Act

UNREASONABLE PUBLIC EXPENDITURE:

66. The exception¹¹ applies where mainstream education would result in unreasonable public expenditure being incurred that would not normally be incurred. Each local authority also has to consider what a reasonable level of public expenditure is within the context of their commitments. These commitments range from their legislative duties to the political commitments made by their elected members who are accountable to the communities they serve. The scale of resource available to adapt to a child or young person's needs must also be considered in light of the other exemptions, particularly as regards efficient education for other children and whether this expense would be ordinarily be incurred.

67. Ultimately the delicate balancing of differing priorities is a complex and necessary task undertaken by local authorities. Local authorities must take into account a range of factors relating to the child or young person, their parents or carers, their teachers, their school leaders, their school(s) and their early learning and childcare settings. They should carefully weigh the variables and produce an outcome that they are satisfied is the best option for the child, their classmates and does not result in unreasonable public expenditure being incurred that would not normally be incurred. The questions below are designed to aid that process.

REFLECTIVE QUESTIONS ON UNREASONABLE PUBLIC EXPENDITURE

- How do we ensure that our resources are used most effectively? How do we ensure transparency and equity?
- How do we allocate resources to sustain improvement priorities effectively?
- What would the general benefit be to other pupils, in the long and short term, of the resource currently being proposed for the child or young person?

CONCLUSION

68. This section sets out a range of information and advice to support decision making. It is recognised that these decisions are complex, and require to take account a wide variety of factors and considerations. The key principle is that the decision that is reached, regardless of whether that decision is for placement in a mainstream, special school or for the use of flexible provision, must be about meeting the child or young person's needs, with a continued focus on reaching that individual pupil's full potential.

¹¹ Section 15(3)(c) of the 2000 Act

ANNEX A – LEGISLATIVE AND POLICY LANDSCAPE

KEY LEGISLATION

Education is provided at pre-school, primary and secondary levels in both mainstream and special schools. The key pieces of legislation are set out below.

[Education \(Scotland\) Act 1980](#)

This Act requires Education Authorities to secure the provision of adequate and efficient education for their area, and sets out the rights and duties of parents in relation to their children's education, among other things.

Section 30 places a duty on the parent to provide efficient education suitable to age, ability and aptitude of the child either by causing him to attend a public school regularly or by other means.

[Children \(Scotland\) Act \(1995\)](#)

This Act regulates parental responsibilities and parental rights and establishes the responsibilities of service providers in matters affecting children's care and welfare. Local authorities must provide services designed to minimise the impact of disabilities on children and to allow them to lead lives which are fulfilling. Children's views must be sought and taken account of in key decisions that affect them.

[European Convention on Human Rights](#)

The UK is a party to the European Convention on Human Rights (ECHR), an international treaty to protect human rights and political freedoms in Europe. Article 14 covers prohibition of discrimination when exercising the right and freedoms under the ECHR and article 2 of the first additional Protocol sets out rights to education.

[Human Rights Act 1998](#)

This Act incorporates most provisions of the European Convention on Human Rights into Scots law.

[United Nations Convention on the Rights of the Child](#)

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that sets out the civil, political, economic, social and cultural rights of children. Article 12 sets out right to respect the views of children and articles 28 and 29 set out educational rights for all children and young people.

As the UK has ratified the UNCRC, the Scottish Government has sought to incorporate the spirit of the convention in our own laws and our policy approach in Scotland. For example, section 1 of the Children and Young People (Scotland) Act 2014 requires Scottish Ministers to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration.

[UN Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#)

The UK is a party to the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Article 24 of this convention outlines the rights of disabled children and young people in education.

[Standards in Scotland's Schools etc. Act 2000](#)

This Act is about the provision of school education specifically relating to children's rights and the duty of the education authority. The education authority has a duty to make provision that is directed toward the development of the personality, talents and mental and physical abilities to their fullest potential. This also reflects article 29 of the UNCRC. Education authorities are also required to have regard to the views of the child in decisions that significantly affect them in the exercise of that duty.

Section 15 of the 2000 Act provides that a preschool and school aged child should be educated in a mainstream school or early learning and childcare establishment unless one of three circumstances set out in the section apply. The three exceptions are that it would not be suited to the ability and aptitude of the child; would be incompatible with the provision of efficient education or would result in unreasonable public expenditure. The section provides that it shall be presumed that those circumstances only arise exceptionally and that if one or more of them do arise, that the education authority may still provide education in a mainstream school but that they won't do this without taking into account the views of the child and of the child's parents.

[Education \(Disability Strategies and Pupils' Educational Records\) \(Scotland\) Act 2002](#)

This Act places a duty on education authorities, managers of grant- aided schools and the owners of independent schools to prepare a strategy to increase, over time, the physical accessibility of the school environment and the accessibility of the curriculum for pupils with disabilities and prospective pupils with disabilities.

[Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)

The Education (Additional Support for Learning) (Scotland) Act 2004 provides the legal framework for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning. The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It sets out the duties on education authorities to identify, provide for and to review the additional support needs of their pupils. Education authorities will plan for children's learning using a range of planning mechanisms including (non-statutory) individual educational plans and where there is significant support from education and another agency to meet the complex or multiple needs, a coordinated support plan under the 2004 Act.

[The Supporting Children's Learning Code of Practice](#), to accompany the Education (Additional Support for Learning) (Scotland) Act 2004, supports the effective

implementation of the above legislation. All of the sections of the code are relevant but particularly the sections on –

[Meeting additional support needs](#)

[School attendance: Rights, responsibilities and placing requests](#)

[Co-ordinated support plan](#)

[Transitions](#)

[Working with children and families](#)

[Resolving disagreements](#)

Equality Act 2010

The Equality Act 2010 prohibits discrimination and harassment based on certain specified protected characteristics. It further places duties on public authorities to challenge discrimination, advance equality of opportunity and foster good relations for a range of protected characteristics. These protected characteristics are defined in the Equality Act as race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, pregnancy and maternity, and marriage and civil partnership. The provisions of the Act for schools do not apply in relation to age and marriage and civil partnership.

It includes admission to school, the way education is provided, access to a benefit, facility or service, and exclusion. They must not treat pupils with disabilities less favourably and must take reasonable steps to avoid putting these pupils at a substantial disadvantage. The duty related to aids and services means that, since September 2012, schools (including independent schools) have to make reasonable adjustments.

Children and Young People (Scotland) Act 2014

This Act concerns the provision of services and support for children and young people; it includes sections related to the rights of children, children's services planning, early learning and child care, looked after children, adoption, children's hearings, detention in secure accommodation and consultation on certain proposals in relation to schools.

The 2014 Act includes direction on the Assessment of Wellbeing (section 96), specifically in relation to use of the 8 wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. These requirements in relation to the Assessment of Wellbeing are referred to in other legislation and guidance and mean that wellbeing must be assessed in line with section 96 (see annex B).

The attached [glossary](#) provides definitions for different terms including mainstream schools and special schools.

KEY POLICY DEVELOPMENTS

Key policy developments have included, but are not limited to:

- the introduction of [Curriculum for Excellence \(CfE\)](#)
- the introduction of [Getting it Right for Every Child \(GIRFEC\)](#)
- [The keys to life – Improving quality of life for people with learning disabilities](#)
- [Technical guidance for Schools in Scotland](#) - requirements of Equality Act 2010
- [Included, Engaged, Involved – Part 1: Attendance in Scottish Schools](#)
- [Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions](#)
- [Developing the young workforce](#)
- [Guidance on the education of children unable to attend school due to ill health](#)
- [Supporting children and young people with healthcare needs in schools](#)
- [Respect for All: The National Approach to Anti-bullying for Scotland's Children & Young People 2017](#)
- [Scottish Strategy for Autism: outcomes and priorities 2018-2021](#)
- [National Improvement Framework](#)
- [Scottish Attainment Challenge and Pupil Equity Fund](#)

Services have developed to provide parents, carers and young people on all of the rights and responsibilities in relation to additional support for learning:

[Enquire](#) provides independent and impartial advice for teachers, parents, local authorities and others caring for or working with children and young people with additional support needs.

[Let's Talk ASN](#) is an advocacy and legal representation service that provides help to parents, carers and young people in securing their rights.

[My Rights, My Say](#) is a children's service which provides advice and information, advocacy support, legal representation and a service to seek children's views independently about their support.

The following resources have also been referred to within the guidance –

The Self Evaluation Frameworks for Early Learning and Childcare and Schools -

[How Good is Our Early Learning and Childcare](#)

[How Good Is Our School 4](#)

[How good is our early learning and childcare?: Correlation of quality indicators and themes between How good is our early learning and childcare? and How good is our school? \(4th edition\)](#)

[How Good is OUR School part 2](#)

The Children and Young People's Commissioner Scotland 7 Golden Rules for Participation –

[7 Golden Rules for Participation – Children](#)

[7 Golden Rules for Participation – Young People](#)

[7 Golden Rules for Participation – Accessible versions](#)

ANNEX B – DECIDING ON THE RIGHT PROVISION – RELEVANT DUTIES

Legislation	Duties	Suggested considerations
Standards in Scotland's Schools etc. Act 2000	<p>Education authority has a duty to make provision that is directed toward the development of the personality, talents and mental and physical abilities of the child to their fullest potential. Also required to have regard to the views of the child in decisions that significantly affect them. (section 2)</p> <p>Education authority in carrying out duty to provide education for preschool and school aged child they shall, unless the three circumstances set out in the section apply, be educated in a mainstream school. (section 15)</p>	<p>Could one or more of the three circumstances set out in section 15 apply:-</p> <ul style="list-style-type: none"> - Not suited to the ability or aptitude of the child - incompatible with the provision of efficient education - would it result in unreasonable public expenditure
Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)	<p>Education authority has a duty to assess if a child or young person needs additional support and to provide that additional support if they do. (section 4,5)</p> <p>Education authority has a duty to keep under review whether a child's additional support needs continue to be met. (section 10)</p> <p>Education authority has a duty to place a child in the school specified in a placing request, subject to a number of exceptions, including that doing so would breach the section 15 requirement to provide education in a mainstream school. (Schedule 2, paragraphs 2 and 3)</p>	<ul style="list-style-type: none"> -What steps have been taken to make sure the needs of each child or young person have been correctly identified? - Are those identified needs being adequately addressed? - Would different provision or placement provide a better outcome for this child or young person?

<p>Children (Scotland) Act 1995</p>	<p>When a local authority is considering the promotion of the welfare of children in need and assessing the needs of children who may be affected by a disability they must have regard to the general principle that functions should be exercised in relation to children and young people in a way which is designed to safeguard, support and promote their wellbeing. This should be done in line with the assessment of wellbeing as described in section 96 of the 2014 Act. (section 23A)</p>	<ul style="list-style-type: none"> - How is the wellbeing of the child or young person being safeguarded, supported and promoted in their education provision? - How would a different provision provide better safeguarding, support and promotion of wellbeing?
<p>Children and Young People (Scotland) Act 2014</p>	<p>The local authority when considering alternative early learning and childcare arrangements to meet wellbeing needs of looked after 2 year olds must assess their wellbeing in line with section 96 of the 2014 Act. (section 96)</p>	



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W W W . G O V . S C O T

Implementation of Additional Support for Learning

2017-2018

March 2019

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Introduction

Background and Introduction

This report is intended to set out the picture of implementation of Additional Support for Learning in 2017. It is framed across the period April 2017-June 2018. The report uses statistical information to build that picture, and will comment on recent developments in, and related to, additional support for learning.

The Additional Support for Learning Act was established in 2004 and came into practice in 2005. The Act was revised in 2009 and again in 2016. The most recent changes came into practice on 10 January 2018.

The 2009 Act places Scottish Ministers under duties to collect and publish information on additional support for learning. This is done each year, through the national pupil census collection and publication. From 2010 until 2016 Scottish Ministers reported to Parliament on the implementation of additional support for learning. This report follows on from that, but is not required by law.

Context

2017 has been a significant year in education. The proposals for Education reform in Scotland were published for consultation and contained a suite of proposals to achieve excellence and equity for all of our children and young people in a highly performing education system. In June 2018 it was announced that through consensus building and collaboration that an agreement with local government was reached on implementation of two key elements of the [reform agenda](#):

- a Joint Agreement on Regional Improvement Collaboratives with regional leadership, collaboration with Education Scotland and initial regional improvement plans in place and more detailed plans due in September – all achieved at pace, in partnership and with no legislation; and
- a landmark agreement which will see the Headteachers' Charter and meaningful school empowerment, collaboration and pupil and parent participation happening across Scotland this year.

2017 and 2018 have seen the publication of [National Improvement Framework plans](#). The National Improvement Framework structure has been adopted as that for the Doran Review 10 Year Strategy. It is intended that this alignment will ensure that the work on the implementation of the Doran Review, and in particular the work on Strategic Commissioning of services will complement the outcomes sought through the Improvement Plan.

Attainment Challenge and Pupil Equity Funding is focussed towards closing the poverty related attainment gap. The Scottish Attainment Challenge focusses and accelerates targeted improvement activity in literacy, numeracy and health and wellbeing in specific areas of Scotland.

The £750 million Attainment Scotland Fund is a targeted initiative focused on supporting pupils in the local authorities of Scotland with the highest concentrations of deprivation.

The nine 'Challenge Authorities' are Glasgow, Dundee, Inverclyde, West Dunbartonshire, North Ayrshire, Clackmannanshire, North Lanarkshire, East Ayrshire and Renfrewshire.

[Pupil Equity Funding](#) is also provided through the Attainment Scotland Fund and allocated directly to schools, targeted at those children most affected by the poverty related attainment gap. A significant number of children and young people with additional support needs also benefit from these approaches to closing the attainment gap.

2018 was the Year of Young People in Scotland and provided an opportunity for generations to come together and celebrate our nation's young people. The extension of children's rights under the Additional Support for Learning Act demonstrates the Scottish Government commitments to hearing the voice of young people, and enabling them to work in partnership with us to design and shape policy. This commitment to engaging with children and young people will extend beyond 2018.

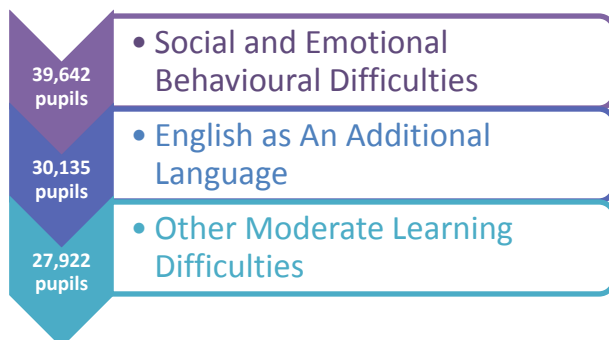


Key points

This information is drawn from statistical information and is intended to provide a summary of the information about pupils with additional support needs.



The most common additional support needs are (see page 13 for further info on this):



16,742 pupils were assessed or declared as having a disability. This means that either they have been assessed by a practitioner as having a disability, or they have declared themselves as having a disability in alignment with the information below.

A disability under the Equality Act 2010 is if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities. There is a clear interaction between the disabilities and additional support needs, but the terms are not interchangeable. Annex A sets out further information on the this. The image is the design developed by Grace Warnock as part of her campaign to recognise invisible disabilities https://twitter.com/warnock_grace

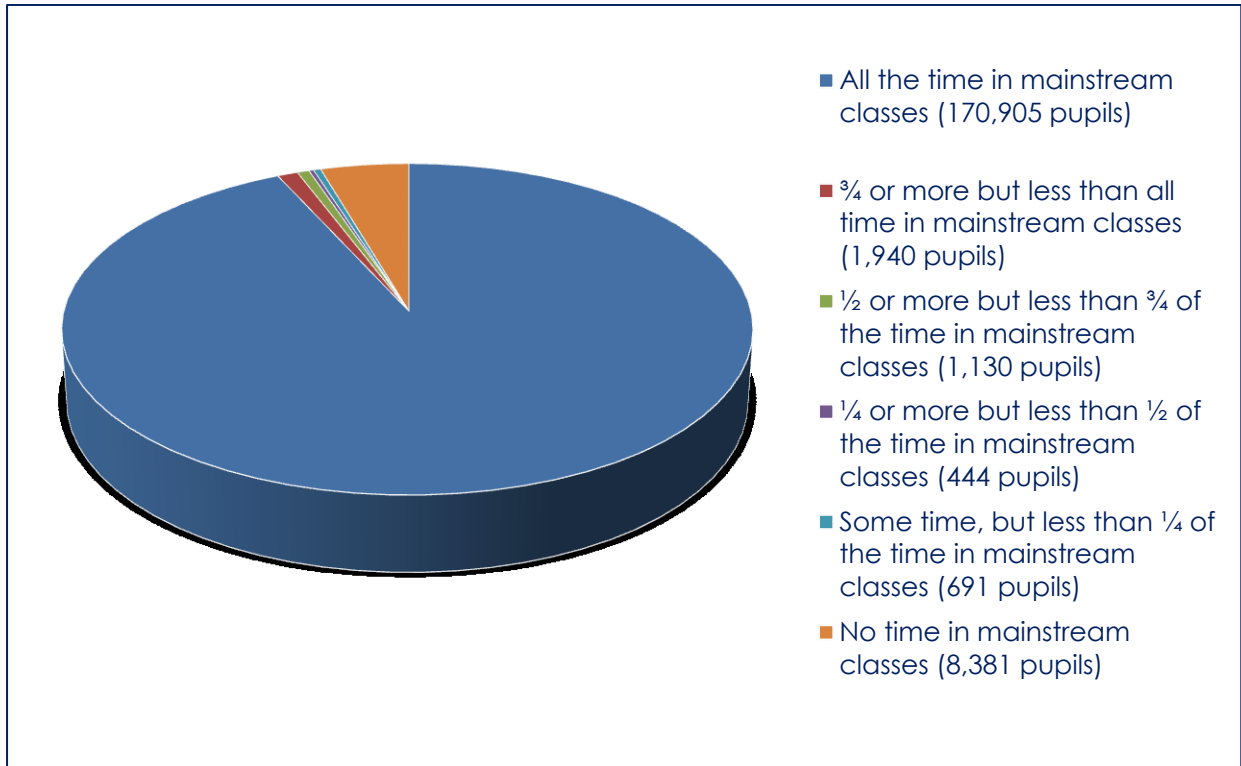


Statistics –additional support for learning, pupils and staff 2017

Attendance in 2016/17	Exclusion from school in 2016/17	Qualifications in 2014/15		Post school destinations in 2015/16
<p>91.2% attendance at school</p>	<p>11,352 temporary exclusions. Pupils with ASN are 5 times more likely to be excluded from school than other pupils</p>	<p>60.7% of pupils left school with 1 or more qualification at SCQF level 5 or better. ↑ 8% points since 2011/12</p>	<p>85.6% left school in 2014/15 with 1 or more qualification at SCQF level 4 or better. ↑6.5 % points since 2011/12</p>	<p>87.1% achieved a positive destination. ↑4.8 % points since 2011/12</p>
Teachers		Support staff		
<p>51,513 teachers in Scottish public schools of which 2,838 have additional support for learning as their main subject taught.</p>		<p>13,763 staff supporting pupils with additional support needs in Scottish public schools. This includes: Pupil support assistants, Behaviour Support staff, Home-school link workers, School nurse or other medical support and Educational Psychologists</p>		

Time spent in mainstream classes

The vast majority of children and young people with additional support needs spend time in mainstream classes, whether they learn in a mainstream school, or a mainstream school with a unit or classes as part of the establishment. The number of children and young people learning in [special schools](#) has been reasonably static over the last 10 years.



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 – this has gone up from £584 million in 2015-16 a 2.3% increase in real terms (4.5% in cash terms)

Additional Support Needs

In summary, there are key positives in terms of pupils with additional support needs. Pupils are continuing to be identified as having additional support needs each year; more pupils with additional support needs are achieving qualifications, and those continue to be at a higher level. Pupils achieving positive destinations is continuing to improve.

However, there are areas where there needs to be continued improvement. Pupils with additional support needs are 5 times more likely to be excluded from school than those without additional support needs. Exclusions for pupils without additional support needs have significantly fallen in recent years (more than 30%). Pupils with social and emotional behavioural difficulties accounted for more than half of the pupils excluded from school.

Areas where there is little change include that boys continue to be more likely to have additional support needs, and those learning in special schools continues to be relatively static.

Developments in implementation

2017-18 has been a significant year for the development of implementation in additional support for learning and related policies. Consequently, there have been a significant number of public consultations from the Supporting Learner's team. These have related to:

[Guidance for schools and education authorities on improving educational outcomes for Travellers](#)

[The Doran Review 10 year strategy](#)

[Regulations on Complaints to Ministers \(section 70\), Data Collection on Additional Support for Learning, and Dispute resolution](#)

[Statutory Guidance on implementation of Additional Support for Learning \(code of practice\)](#)

[Non-Statutory Guidance on assessment of capacity and wellbeing](#)

[Guidance on Complaints to Ministers \(section 70\)](#)

[Guidance on the presumption of mainstream education, and](#)

[Guidance on the provision of healthcare in schools](#)

A number of these consultations related to the **extension of rights to children** under the Additional Support for Learning Act. This significant development came into practice on 10 January 2018 and is the largest extension of rights to children and young people in this field across Europe. Rights are extended to children aged 12-15, who are able to use their rights. Those rights are almost the same as those enjoyed by young people and parents, the exceptions being that the right to make a placing request, the right to be a party in mediation (although children's views are now required to be sought and provided as part of mediation processes).

The **code of practice** for additional support for learning, was updated, and published on 20 December 2017, alongside **non-statutory guidance** on the assessment of capacity and adverse impact on wellbeing.

In support of children using their rights the Scottish Government established the **My Rights, My Say** service. This service which is delivered through partnerships between Enquire, Partners in Advocacy, and Cairn Legal offers:

- Advice and information
- Advocacy Services
- Legal Advice and Information, and
- An independent children's views service.

The service was established on 10 January 2018. Importantly, an MSYP was part of the process of evaluating the bids for the service and in selecting the preferred suppliers. Demonstrating our commitment to ensuring that children and young people are enabled to influence key decisions on policy delivery.

There were also further developments with the transfer of the Additional Support Needs Tribunals for Scotland into the new **first tier tribunal** structure. The Tribunal will look and feel very similar for those who use it, but will benefit from consistency of approach across other Tribunals. The specialism of the Additional Support Needs Tribunal's functions and its staff have been recognised and preserved as part of this change. This change came into practice on 12 January 2018.

The consultation on guidance on the **presumption of mainstream education** ran from 2 November to 9 February and drew 362 responses. The analysis of these responses will be drawn together with the outcomes from the research in the experiences of pupils, families and those who provide support in schools and authorities.

The consultation on the **Doran Review 10 year strategy** also closed in 2017. The consultation drew 61 responses. These will be used to inform the next steps on the implementation of the Doran Review recommendations.

There is a particular focus on the needs of **pupils who are from Travelling families**. A consultation on draft guidance was undertaken and the draft [guidance has been updated](#) in light of the comments received as part of the consultation.

The **Young Ambassadors for Inclusion** have an important role in shaping and developing policy and its implementation.

The Young Ambassadors for Inclusion are young people with additional support needs who have been nominated by their local authority to join a network which provides an opportunity for them to share their views and experiences of Scottish education. A total of 26 local authorities have been represented since the network began.

Through discussion and activities, the Young Ambassadors have identified the ways they feel schools are doing well in their provision of inclusive education and also where improvements could be made. Their views have influenced the development of policy, and have shaped the guidance to children about the Tribunal, and how Tribunals should work for young people.

The Inclusion Ambassadors met with John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills on 21 June 2017. The Ambassadors spoke to Mr Swinney about work they had done on the themes of Friendship and Belonging, Positive Attitudes, Awareness, Asking for Help and Support (see below).

A significant development in this year has been their film 'Ask Us, Hear Us, Include Us'. The Young Ambassadors were keen to share their views on what works in inclusive education. They decided to create a film which could allow their views to be heard and help staff understand how to support young people with additional support needs. As you will see from the film, they were involved in all aspects of its development.

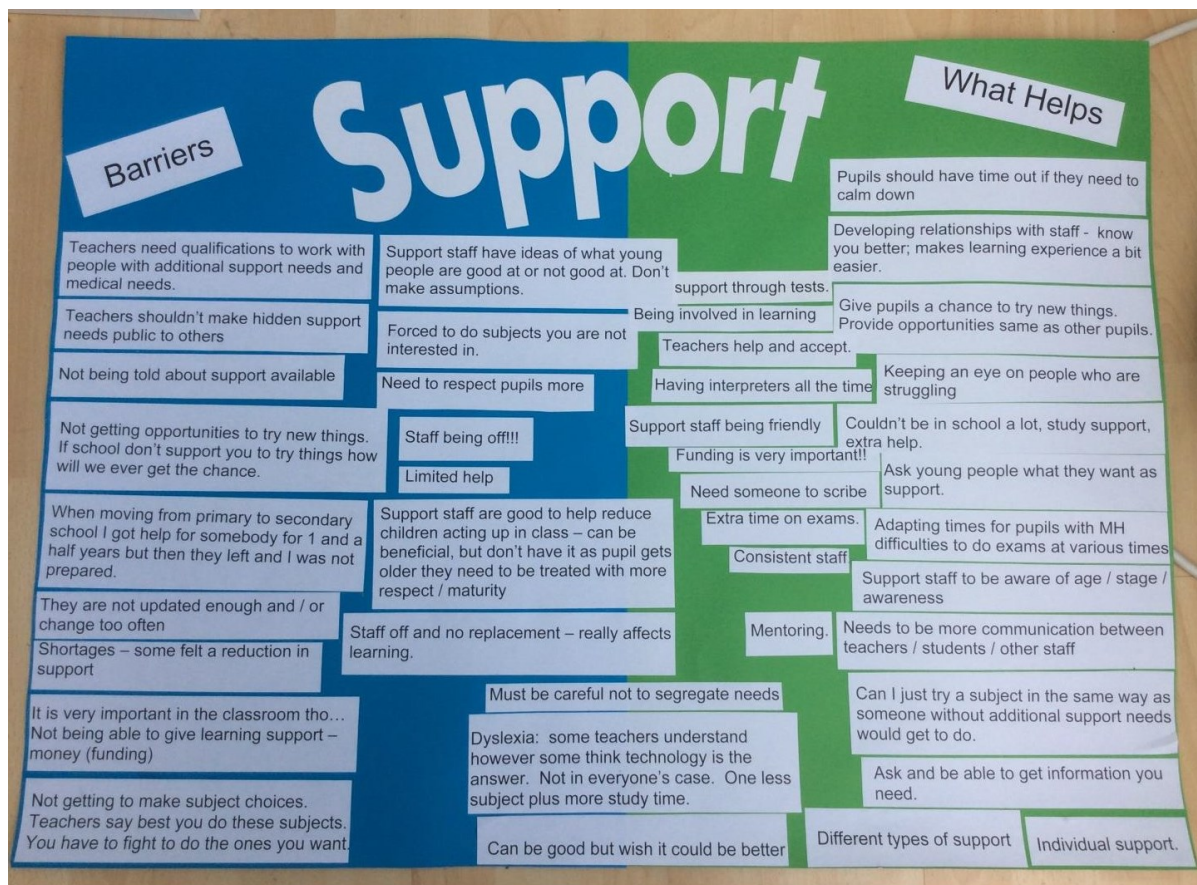


Parliamentary Interest

In March 2017 the Education Committee considered the implementation of Additional Support Needs. The Committee reported on 15 May 2017 and John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills responded to the Committee's recommendations on 26 July 2017. A number of the actions highlighted above are reflected in the response to the Committee.

Conclusion

This report sets out a range of information to provide an overview of the implementation of the additional support for learning Act during 2017 and early 2018. The report highlights that there are strengths but also challenges for implementation, and as we strive for continuous improvement, we will seek to build on strengths as we address challenges. It is fitting that the final word in this report is given to the Young Ambassadors for Inclusion. These are the conclusions on 'Support' that they presented to John Swinney, Deputy First Minister and Cabinet Secretary for Education and Learning on 21 June 2017, and which we seek to embody in our further work on implementation.



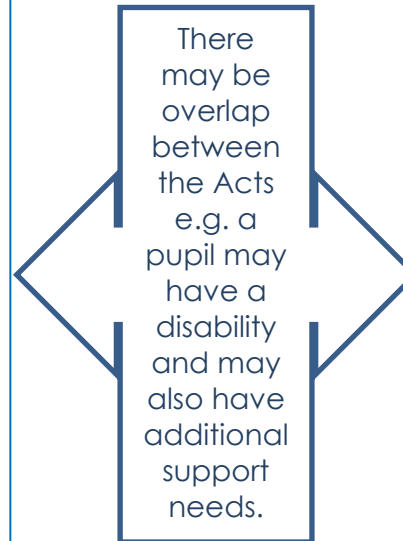
Overlap between Equality Act and the Additional Support for Learning Act (taken from [Accessibility Strategies guidance](#)) **Annex A**

Pupils' needs which may meet definition of disability under the Equality Act to whom education accessibility strategies apply:

- Physical or Mental impairment including:
- Autism Spectrum Disorder
- Dyslexia
- Diabetes
- Eating disorder (diagnosed)
- Gross obesity
- Disfigurement
- ADHD
- Incontinence
- Epilepsy
- Learning difficulties, including severe and complex
- Hearing impairment
- Some conditions may progress to have a substantial adverse effect; heart conditions, Sickle cell anaemia, Rheumatoid arthritis.

Pupils' needs which **automatically** meet the definition of disability under the Equality Act and to whom education accessibility strategies apply:

- Cancer
- HIV
- Multiple Sclerosis
- Certified/Registered Visual Impairment
- Severe long-term disfigurement



Pupils who may require additional support under the ASL Act have a barrier to learning as a result of one of the four factors giving rise to additional support needs:

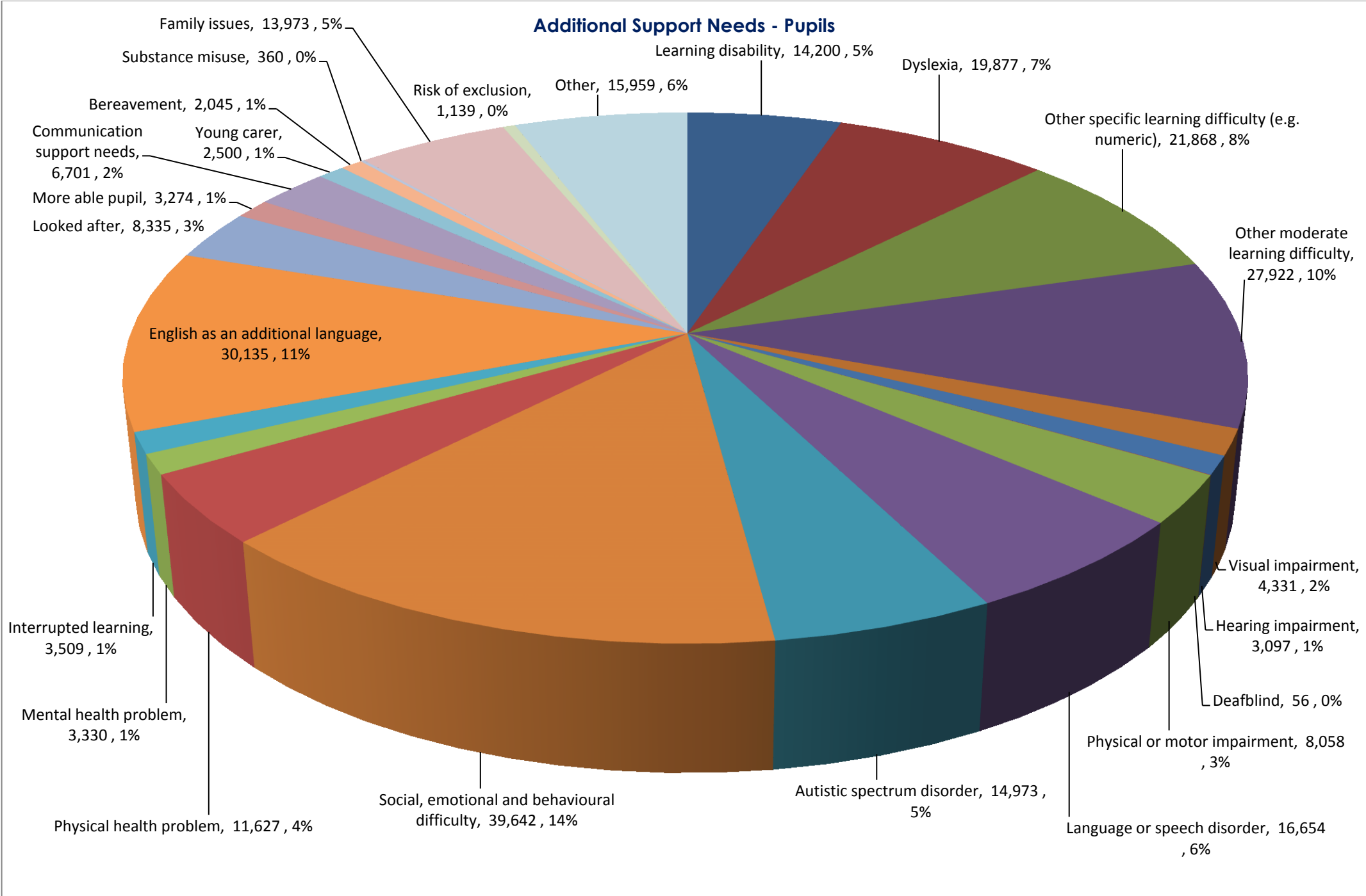
- Learning environment
- Family circumstances
- Disability or health need
- Social and emotional factors

These may include:

- Have motor or sensory impairment
- Are being bullied
- Are particularly able or talented
- Have experienced a bereavement
- Are interrupted learners
- Have a learning disability
- Are looked after by the local authority
- Have a learning difficulty, such as dyslexia
- Are living with parents who are abusing substances
- Are living with parents who have mental health problems
- Have English as an additional language
- Are not attending school regularly
- Have emotional or social difficulties
- Are on the child protection register
- Are young carers

Or for any other reason

Additional Support Needs - Pupils





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Any enquiries regarding this publication should be sent to us at
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Additional Support for Learning: Research on the experience of children and young people and those that support them



CHILDREN, EDUCATION AND SKILLS



**Additional Support for Learning:
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children and young people
and those that support them**

Scottish Government

March 2019

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Executive Summary

About this research

This qualitative research explored the experiences of children and young people of additional support for learning, and the experiences of those who support them.

The research took place in 18 schools in six local authority areas across Scotland, in 2018. The schools were a mix of:

- primary and secondary schools;
- types of school – including mainstream schools (with and without additional support needs bases or enhanced support) and special schools; and
- varied geographies and levels of deprivation.

It involved 100 face to face interviews with pupils ranging from P2 to S6. It also involved 54 school staff members (leadership teams, class teachers and support workers) and 39 parents.

The research was qualitative. Qualitative research is particularly useful in exploring complex areas, providing an in-depth understanding of particular experiences, views, choices and behaviours. However, it is important to note that while this report gives an in-depth understanding of the perspectives of those who were involved in the research, its findings cannot be extrapolated to the wider population.

Additional support for learning provision

All local authority officers involved in the research said their authority had a clear ethos around meeting the needs of children with additional support needs (ASN), which was in line with the presumption of mainstreaming.

Overall, most local authority officers felt that the balance of additional support for learning provision was improving in their area, becoming more flexible and individualised. However, most felt that there was still more to do to improve the balance of provision, including developing the resources available in mainstream schools in terms of money, staff and facilities, and being able to recruit skilled teachers and support staff. In some areas, there was a clear feeling from local authority officers and school staff that there were not enough resources to meet needs – particularly in mainstream schools.

School experiences of children and young people

Many pupils at mainstream primary schools liked their friends and teachers. A few said they liked everything and would not change anything.

Many secondary school pupils said that they liked the range of subjects and the support they received at school. However, some secondary school pupils said they did not like anything about their school at all. Some said they hated school and did not want to be there, and some said they did not like their teachers.

Pupils at special schools said they liked playing outside, learning life skills, and topics such as sport, music and art. Many said that there was nothing they did not like, and their dislikes were very diverse and included noise, school work, friends, safety and not being allowed to be independent.

Pupils at mainstream and special schools, generally felt positive about their experience, and were positive across SHANARRI indicators. However:

- In terms of **safety**, some mainstream school pupils said that they felt – or had previously felt – very unsafe due to bullying. Half of all secondary school girls involved in the research had experienced bullying, with two moving schools due to bullying. A few pupils at special schools said that pupils were violent or aggressive towards them and wanted more help with feeling safe.
- In terms of **achieving**, a few pupils at mainstream schools felt they could achieve better in small group or ASN base activity, rather than in the whole class. A few pupils at special schools said they were covering work they had already done, and were ready to be more challenged.
- In terms of **inclusion**, most pupils at mainstream schools felt they had lots of friends and that it was easy to make friends, and they were included in the life of the school. However, a few pupils in ASN bases in mainstream schools said they did not always feel involved in the life of the school beyond the base. Around half of pupils at special schools said they had lots of friends, but some (at two schools in particular) found it quite hard to make friends.

Overall, almost all pupils at mainstream schools and special schools felt their needs were well met.

A few primary pupils said that they wanted more help, and a few didn't like going out of the class to get support as they felt they missed things. Secondary pupils often enjoyed going to a targeted support session, and

enjoyed the quiet space. However, two secondary pupils felt they did not get the help they needed.

Parental views on school experiences

Parents and carers were broadly positive about their child's experience of school across all of the SHANARRI indicators. Overall, most parents felt that their child's school was doing well in terms of meeting the needs of their child. Parents and carers valued when communication with the school was good; enhanced support was available; and their children were comfortable at the school.

Most parents of children at mainstream schools had something they would like to improve about the school – including some concerns about resources, staff and buildings and high staff turnover. A few secondary school parents had concerns about the busy school environment, the challenges ensuring all teachers had the information they needed about their child, and ongoing concerns about bullying.

Parents with children at special schools liked the small size of the school and classes, the good ratio of adults to children and the access to physical space both indoors and outdoors. While a few felt their child was achieving more than at mainstream school, a few had concerns about academic challenge. A few on split placements felt that their child's needs were better met in the special school than the mainstream school.

Almost all parents were very positive about the relationship and level of communication with teachers and support staff at their child's school. However, a few felt that they had to push to improve communication.

For many parents it had taken a long time to get their child to the right environment. The challenges included a lack of understanding from staff in mainstream schools; experiences of bullying; long assessment and diagnosis periods; having to push for extra support or spaces at special schools or ASN units; and being moved between schools with little notice.

Involving young people and families in decision making

Pupils at primary mainstream schools and special schools generally felt well listened to by teachers, and gave examples of being able to learn in a way that suited them.

While most pupils at mainstream secondary school did feel listened to, a few did not. A few felt that teachers didn't make the adjustments they needed.

Almost all parents felt that they were involved in decision making relating to their child's education. However, some did not feel involved in choices about which school their child went to, or what support their child received at school.

Almost all school staff felt that children were able to express their views and have these heard at school. Involvement was felt to work best if it was ongoing and genuine, with flexibility in engaging young people and parents, and meeting their needs.

Meeting the needs of children and young people

Local authority officers and school staff highlighted similar themes in relation to meeting the needs of children and young people with ASN. Overall, most local authority officers and school staff felt that they were meeting the needs of children with ASN reasonably and that most children would be having a positive and inclusive experience. However, most highlighted that this was in the context of having very limited resources. Almost all felt there was room for improvement.

Many said that the number, range and complexity of needs of children with ASN were increasing at a time when teachers, support workers, senior leadership and central support within the local authority were under pressure or decreasing in number. Some felt experiences could be very mixed dependent on the school. Some felt there may be gaps around meeting the needs of children with social, emotional and behavioural needs and autism.

Teachers highlighted particular challenges around balancing their time between the whole class and the pupils in need of individual support. A few teachers felt that the inclusion of children with ASN, particularly behavioural needs, was having a negative impact on learning within mainstream classes. This was a particular concern when some felt there was pressure to ensure all children were improving their attainment.



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