

The Additional Support Needs Update



Children's Rights | Equality | Inclusion

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Welcome

Once again, so much has changed since my last newsletter, and yet so much has stayed the same! With restrictions still in place, day-to-day life is still very different. But with the return of schools in August, children have regained the important structure that the school day offers, along with sorely missed social contact. Most importantly, they are back learning! And for those who have additional support needs, the Regulations which allowed important time-limits contained in the Additional Support for Learning legislation to be abandoned at the peak of the crisis, have themselves come to an end. This means that all ASfL timescales, including those linked to co-ordinated support plans, now apply in their usual way. Timescales for placing requests, however, remain affected and this issue contains a handy how-to to let you know how that might impact you.

The Additional Support for Learning legislation has also been the subject of a review which considered its implementation. COVID-19 delayed delivery of the recommendations, but the report was released over the summer. The Chair has taken a more holistic approach to the implementation issues, and her report and



recommendations are all the better for it. This edition explores her approach and the Scottish Government's positive response.

Our Support Spotlight is a personal blog which offers support to those with dyspraxia by being open and honest about the author's own experiences – an excellent read for anyone who either has the condition or knows someone who does. The practical tips are invaluable.

And thankfully, we end the year on a more positive note with news of a vaccine and hope that 2021 will see a return to more normality. A phased approach to this return is likely, however, and I will do my best over the coming months to provide you with the information you need to make informed choices about your child's education.

Meantime may I take this opportunity to wish you a very safe and Merry Christmas and a happy and healthy New Year.

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Instead of sending Christmas cards, as usual, I am making a gift of games to some schools I have worked with over the course of the year. This year's game is Letter Press – a fun card game all about spelling and words.

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Independent Review into Additional Support for Learning: Embracing the lived experience

Regular readers will recall that in April 2019, I reported that the Scottish Government's Advisory Group on Additional Support for Learning (AGASL) had concluded that:

"Our collective judgement is that the Education (Scotland) (Additional Support for Learning) Act 2004 (as amended) is sound and fit for purpose. We are proud that Scotland has such progressive legislation in place."



Nonetheless, the progressiveness (or otherwise) of the legislation counts for little if its implementation is flawed. With growing numbers of pupils being identified as having additional support needs, there is a fear that they are being failed. And it would appear that this fear is justified; the latest Review into Additional Support for Learning – which was published in June – found that 'the whole concept of inclusion is not fully embraced' in schools across Scotland.

The Review, which was announced in January 2019, did not set out to challenge the principle of the presumption of mainstreaming, rather its focus was on the implementation of this principle in practice. Its remit, which was agreed between the Scottish Government, the Convention of Scottish Local Authorities (COSLA) and the Association of Directors of Education in Scotland (ADES) was wide-ranging covering:

1. How ASL works in practice across all education settings;
2. In which settings children are placed;
3. The quality of the learning and support, including achievement and positive destinations, achieved post-school;
4. The different approaches to planning and assessment to meet the needs of children and young people;
5. The roles and responsibilities of support staff, teaching staff, leadership roles, education authorities and national agencies; and
6. Areas of practice that could be further enhanced through better use of current resources.

The Review ultimately set out over 40 recommendations split over nine themes. I have covered the detail of these over on my blog for those of you that want to delve into the specifics. This article's focus is on the approach the Review took and the lessons that can be learned from this to ensure continued learning and growth in the additional support for learning arena.

The Review Process

Angela Morgan, the Chair of the Review, set out her approach at an early stage. She wanted to get to the bottom of what was going wrong and why there were gaps in the education of children with additional support needs. To do that she wanted to understand the lived experiences of the children, parents and teachers and use them to shape her recommendations. Her focus was on addressing the implementation gap so, in particular, she was keen to hear real examples:

"small or large – of where things do work well. If you've had a difficult time, what by contrast has made the difference? What would you like to see more of or less of? Where should we best focus efforts for positive change?"

Overwhelmingly where things had been difficult but got better the change that affected that was not in resources or setting but in attitude. A feeling of being listened to, that they mattered and that the person that they were dealing with just 'got it'. This applied equally to professionals



commenting on leadership and management as to children, young people and their families in their interactions with staff. Applying that learning herself Angela Morgan's recommendations are based on what she heard, and includes, therefore, some items that were not in her remit. This means that the Review makes for uncomfortable reading for some, but is grounded in the reality of those who are trying to navigate the additional support for learning system. Her recommendations, in my view, are all the better for this. By listening to the lived experiences of children, young people, their families, and education professionals, this Review has focused on steps that can be taken to improve additional support for learning on the ground.

What have we learned?

Overall children and young people want to be included in their schools and communities. Unfortunately, there was an acceptance that this was not happening. The reasons for this are multifactorial but include:

- » The fact that additional support for learning is not visible or equally valued within Scotland's education system resulted in a fragmented approach which is over-reliant on committed individuals working in silos;
- » A massive increase in need - 30.9% of children and young people in Scotland have additional support needs. The biggest increase has been seen in social, emotional and behavioural issues which have been linked to the poverty brought about by austerity measures, which in turn have also impacted resources designed to support those with ASN;
- » The focus on academic achievement as the marker for success in education. Other markers of success, often more relevant for children and young people with ASN are not celebrated or rated. This has the effect of channelling teachers' efforts away from support for all;
- » Visibility at both a school and national level. Resource competition means that there is a focus on specific groups instead of additional support for learning as a whole. This focus on the individual means that the fundamental question of what a child-centred education system looks like remains unanswered.

Of huge concern, is that as a result of this many teachers are disillusioned with the principle of inclusion itself. The evidence showed that many teachers think that additional support for learning is 'someone else's problem'. Even teachers who are committed to the principle struggle to remain engaged as they do not see it happen in practice. As one review contributor commented:

"Inclusion is not a Department. Schools need to be ready for children and young people as they are, not as we think they should be..."

Indeed, as the Review itself comments, '30.9% of a population is not marginal...tweaking systems and provisions' is not working.

Understanding the experiences of children and young people with additional support needs and listening to their views is critical to the success of inclusion. From the extensive participation process, it was clear that to effectively implement the Additional Support for Learning legislation we need to ensure that the following are build into the system:

- » Meaningful relationships;
- » A willingness to adapt teaching methods to children and young people's learning styles.
- » A feeling that a school is a safe place;
- » An all-staff understanding of additional support needs so that all needs are met;
- » Their additional support need should not define a child;
- » Understanding and empathy from peers;
- » Timely response to bullying;
- » Consistent support;
- » Improved communication across all stages of the learning journey;
- » Children's participation in the decision-making process;
- » Adequate funding.



Recommendations

Guided by these findings, the recommendations address all of these areas, even funding which was not within the remit of the Review. Using a thematic approach reinforces the links with the experiences of those currently using the system. The recommendations are grouped and discussed under the following headings:

- » Vision and Visibility
- » Mainstreaming and Inclusion
- » Maintaining focus but overcoming fragmentation
- » Resources
- » Workforce Development and Support
- » Relationship between schools and parents
- » Relationships and behaviour
- » Understanding rights
- » Assurance Mechanism.

As mentioned earlier, I cover the specifics of these recommendations over on my blog. On the whole, my view is that they are comprehensive and get to the heart of many of the implementation issues – putting them into practice is the next challenge!

Government Response

Much of the report contains 'uncomfortable truths' about the state of mainstreaming in Scottish Schools. These need to be confronted and mainstreaming in practice rethought. As highlighted in the report, and by many of the contributors – the practice of tweaking schools, and indeed 'tweaking' children with ASN – is not, and never was, appropriate. With almost a third of pupils recorded as having an additional support need the mainstreaming principle needs to be – well – mainstreamed.

The Review was published with little fanfare in June – and some feared that this reflected the Scottish Government's desire to bury these truths. However, John Swinney advised at the time that the recommendations would be 'actively' taken forward, and the Government's response was published at the end of October, in the form of an Action Plan.

This plan goes through all the recommendation and accepts the vast majority of them with no caveats. Those which are partially accepted relate to areas outwith their control, such as the introduction of a first teaching qualification in additional support for learning available as part of Initial Teacher Education. That will be for the GTC and Scottish Council of Deans of Education to decide.

Overall, however, the Action Plan represents a wholesale embracing by the Government of the recommendations in the report. Critically, they have retained the full cooperation and involvement of COSLA and ADES and the Additional Support for Learning Implementation Group will agree 'robust' implementation and outcome measures. These will be linked to the National Improvement Framework, as recommended in the Review. Progress against these measures will be reported annually.

Even more importantly, however, the Government are embedding a participatory process within the system. Building on work they have already carried out concerning the incorporation of the UNCRC and implementing reform in the Care system, one of the key guiding principles will be that children and young people will be fully involved and listened to. And while this may not be the panacea to rectifying the issues in the system, by learning from those who these measures impact, the prospect of building a sustainable, inclusive education system that serves all of our young people will be within our grasp.

It may be good to talk, but it is infinitely better to listen.

To find out more please visit my [facebook page](#), [website](#) or send me a [tweet](#).



Placing Requests

In terms of the Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 and the Education (Deemed Decisions) (Coronavirus) (Scotland) Amendment Regulations 2020, certain changes were made to the deadlines and timescales for placing requests.

Placing requests made for school places at the beginning of the next academic year (i.e. August 2021) have to be made by 15 March, and a decision should be made by the 31 May 2021. Previously the deadline would have been 30 April.

Placing requests made outwith the above timescales, or for an immediate placement at a specified school, placing request decisions should be made within three months (previously, the deadline was two months).

Placing request appeals made to the education appeal committee may now take up to four months to deal with.

Education appeal committees may now decide appeals based solely on the papers, or by telephone or video link.

These Regulations (unlike some other coronavirus legislation) do not have a built-in expiry or review date, although the Scottish Government indicated an intention to bring them to an end in February 2021.

The timescales for appeals to the additional support needs Tribunals have not changed. The Tribunals can also determine appeals on the papers, or by video conference.

Education Continuity Directions

Education Continuity Directions were in place from May to August 2020, which allowed for various measures in relation to the closure of schools. This included provisions for failures to comply with duties and timescales under the Additional Support for Learning legislation, to be disregarded. These provisions are no longer in force. Therefore, the timescales for preparing a Co-ordinated Support Plan (or indeed any other ASL timescales) now apply in the usual way again.

Nursery Provision

The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020 revoked the Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Order 2019. This means that the legal minimum of funded hours for early learning and childcare remains at 600. Pre-pandemic this mandatory amount was set to increase to 1140 across Scotland from August 2020.

Local authorities are taking different approaches to making progress on the extension of hours, but for now the legal minimum remains at 600, and it is unclear when that might be increased.

School Attendance

As always, parents have a duty to ensure that their children of school age attend school, unless there is a "reasonable excuse" for their non-attendance.

Scottish Government guidance now indicates that in Level 3 areas "Parents or guardians should discuss with their GP or clinician whether children should still attend.". In Level 4 areas "Children on the shielding list should not attend in person."

Face Coverings

The current regulations (Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020) set out various restrictions based on which of Levels 0 to 4 your local authority are in. The requirements for face coverings are common across all 5 levels.

While Scottish Government guidance indicates for the wearing of face coverings for pupils in certain circumstances, the regulations specifically exempt schools from the list of places where face coverings must be worn.

Additionally, there are specific exemptions across the board where a person is unable to put on, wear, or remove a face covering due to a disability; or where a person is communicating with someone who relies on lip reading or facial expressions for communication.

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For our Support Spotlight this week, I thought we would follow the example of Angela Morgan, and highlight a blog that aims to support those with dyspraxia by sharing real lived experiences, hints and tips from someone who has the condition. Full disclosure: Luke is my son, and I am very proud of his foray into the blogging world!



The Dyspraxic Den is written by 18-year-old Luke whose interests, like many his age, include cars and computers. He set up his blog to write about his everyday experiences and how he tackles any challenges that dyspraxia presents. The aim is to help others with the condition by discussing his strategies. As he has found gadgets and technology helpful to him, he also does a really good line in gadget reviews! This mix of content, which includes links to sites that provide further information on the condition, is a great read for anyone who has dyspraxia or knows someone that does. It gives a real insight into the day to day challenges faced. With practical advice on how to tackle activities as diverse as driving and drumming, the blog offers positive and informed support from someone who's been there.

One of the most common questions Luke is asked is "What is dyspraxia?" and "What effect does it have on you".



Here's an extract from his blog explaining just that:

'Dyspraxia is also known as Developmental Co-ordination Disorder (or DCD), but we'll stick with dyspraxia. There is no cure for dyspraxia and there are a few risk factors that can increase the chance of the child to have dyspraxia.

These include: being born prematurely usually the 37th week of pregnancy, being born with a low weight, having a family history of dyspraxia (although it's unclear which genes it comes from), and the mother drinking alcohol and/or taking illegal drugs during pregnancy. It tends to be 3 or 4 times more common in boys than girls. There are a whole load of effects that dyspraxia can have on some people. Some affect me, and some don't.

It causes people to perform less well than expected in daily activities for their age and appear to move clumsily. That does mean that my balance is worse than others. In earlier life, people were finding that I would tend to fall off a chair for no reason or tripping over thin air. It also means I have loose joints aka hypermobility. It means that I can move my joints further than normal, but it doesn't cause any problems and requires no treatment or anything like that. Although it does result in my handwriting being dreadful, so I stick to typing.



People with dyspraxia do encounter problems with hand eye coordination so things like driving manual, typing and drumming may be harder for me. But with practice I got there in the end and anyone with dyspraxia can do the same. Dyspraxia is linked with having bad memory and in my case, my memory is horrible. So when I'm driving I tend to use a sat nav until I can fully remember the route.

People with dyspraxia also may take a bit longer to take in and process everything so I tend to be slower than other people when doing exams, so I get extra time for that sort of thing. Also when I'm in classes when taking notes, I usually can't keep up with the pace of what the teacher is reading the notes, so I usually get someone like a teaching assistant to write the notes down for me, or I get the notes printed off for me. People with dyspraxia also tend to be able to concentrate on one thing at a time.

In some cases dyspraxia can affect speech but thankfully it doesn't for me. Early developmental stages of childhood such as self-feeding, crawling, walking and dressing may be slowed down by dyspraxia. They are mainly slowed down in what is expected of the age.

People with dyspraxia aren't alone in this world though. It may interest you to know that famous people such as Daniel Radcliffe and Florence Welch have dyspraxia as well!

Find the Dyspraxic Den Blog at:

<https://dyspraxicden.wordpress.com/blog/>

<https://twitter.com/DyspraxicDen>

<https://www.facebook.com/DyspraxicDen>



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