

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.

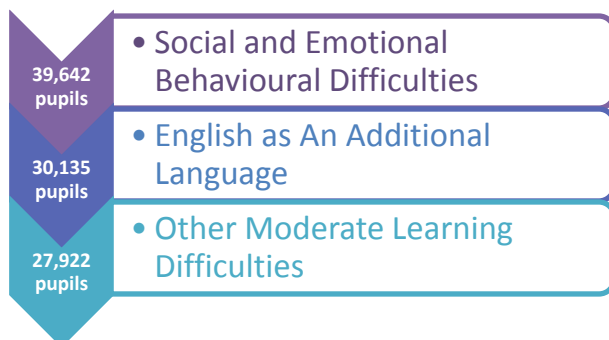


Key points

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

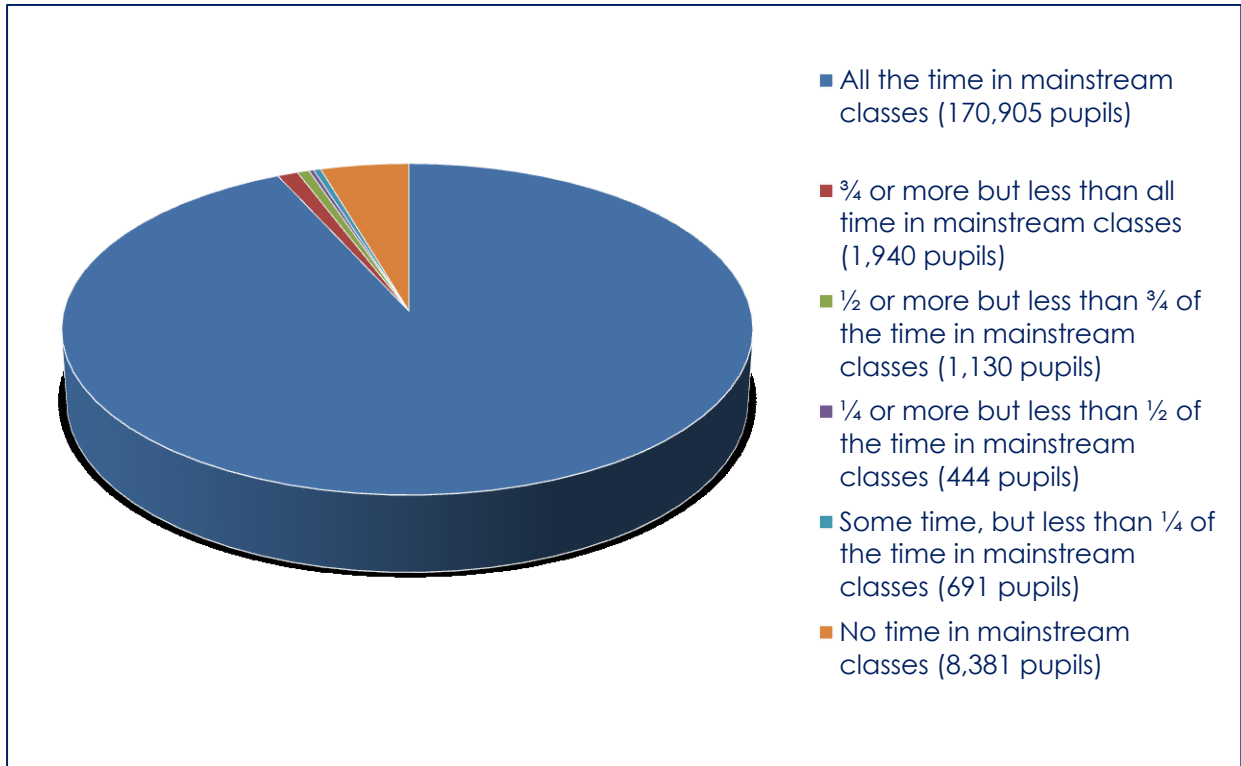


Statistics –additional support for learning, pupils and staff 2017

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.

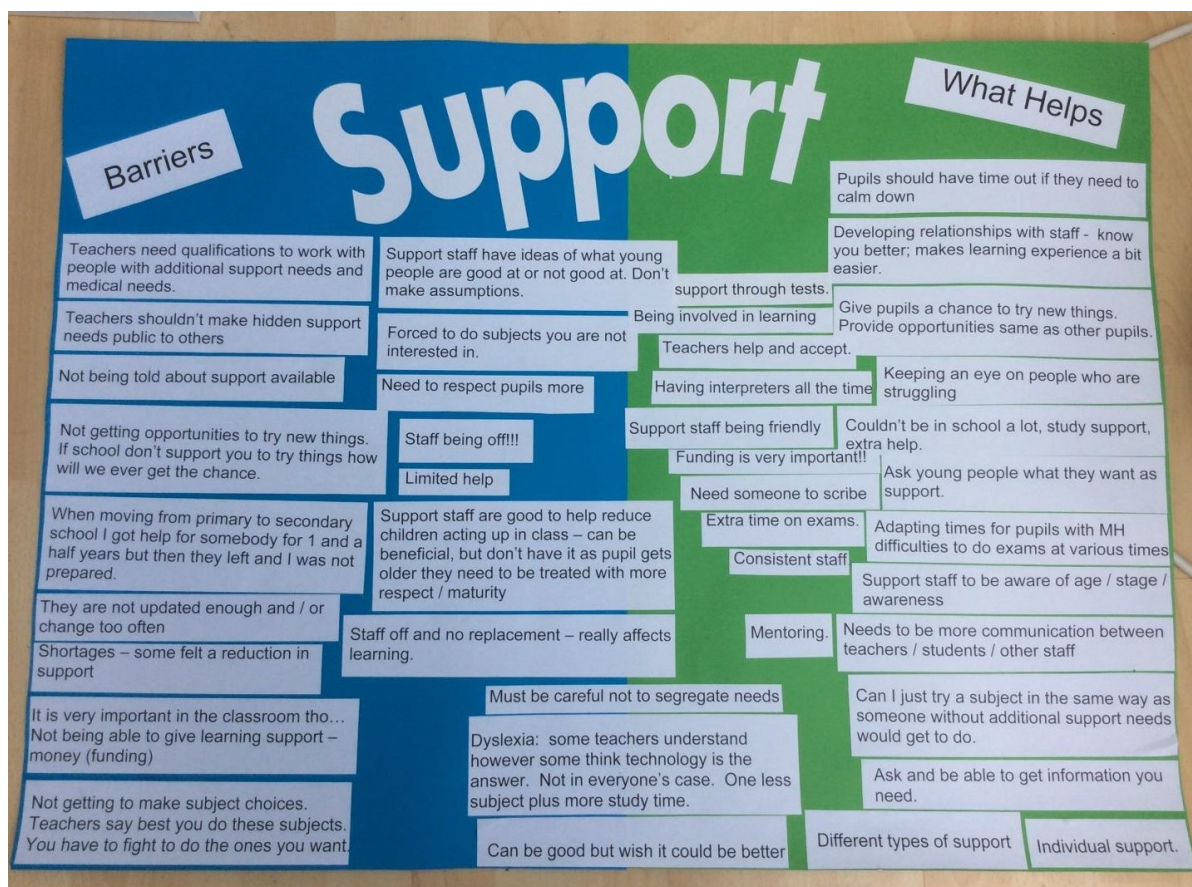


Parliamentary Interest

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

There may be overlap between the Acts e.g. a pupil may have a disability and may also have additional support needs.

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:

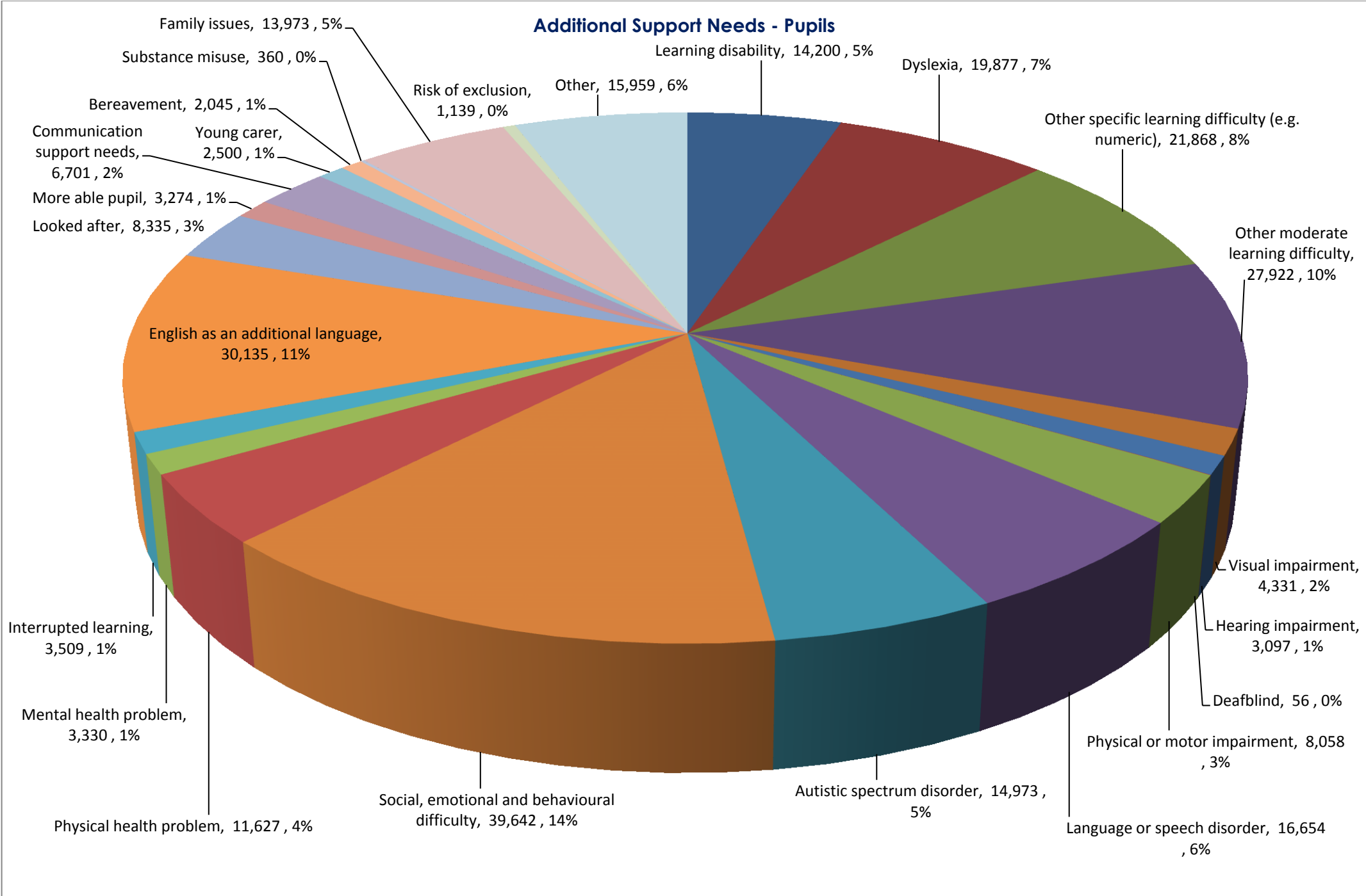
- Learning environment
- Family circumstances
- Disability or health need
- Social and emotional factors

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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