

Enquire within

THE NEWSLETTER BULLETIN OF ENQUIRE, THE NATIONAL ADVICE SERVICE FOR SPECIAL EDUCATIONAL NEEDS IN SCOTLAND

Welcome to the seventh issue of Enquire within. In recent months special educational needs have been the subject of report and consultation, with the Discipline Task Force issuing its report *Better behaviour, better learning*, and the Scottish Executive launching a round of consultations into the Record of Needs. The Disability Rights Commission is also seeking public consultation over its draft *Code of Practice for Schools* - details of how you can participate are to be found in this bulletin.

E-mail: Enquire.SENinfo@childreninscotland.org.uk
Internet: www.childreninscotland.org.uk/enquire
Write to: Enquire, Princes House,
 5 Shandwick Place, Edinburgh EH2 4RG.



SCOTTISH EXECUTIVE

Children
 IN SCOTLAND
 CLANN AN ALBA
 working for children and their families

Record of Needs – a time for change

Legislative changes to the Record of Needs must go hand in hand with changes in society's attitudes and perceptions to children with special educational needs if Scotland is to develop an education system which is inclusive.

The recent consultation into the Record of Needs has provided a critical opportunity to re-think and re-frame how Scotland meets the needs and rights of children with special educational needs in the education system. It has also provided an opportunity for the government, at a national and local level, for health, social work and educational professionals to identify ways of working with parents, children and young people to not only promote an inclusive education system but also to work towards social inclusion within our society.

Children in Scotland responded to the consultation document *Assessing our children's educational needs - the way forward* after holding discussions with parents and a cross-section of professionals. The main points presented to the Scottish Executive included:

- The Record of Needs, as it stands, is too bureaucratic and inflexible, resulting in a lack of consistency across local authorities.

- Some sort of recording and assessment process must be laid out in legislation, in order to ensure that the rights of the minority of children with additional needs are met within education. Changes in the framework must be visionary and must protect children should there be a change in or to education provision in Scotland.
- There is a need for partnership between parents and service providers based on mutual respect and an understanding of each other's responsibilities and obligations.
- There is a need for separate parent and child advocacy services and for independent mediation services to be established within all local authorities. Linked to this was the development of 'key workers' being attached to children and their parents. Key workers should be independent and could be charged with co-ordinating information and providing support to parents, and children with special educational needs. In addition it was felt the key worker could act as a 'power broker' in discussions with (other) professionals.

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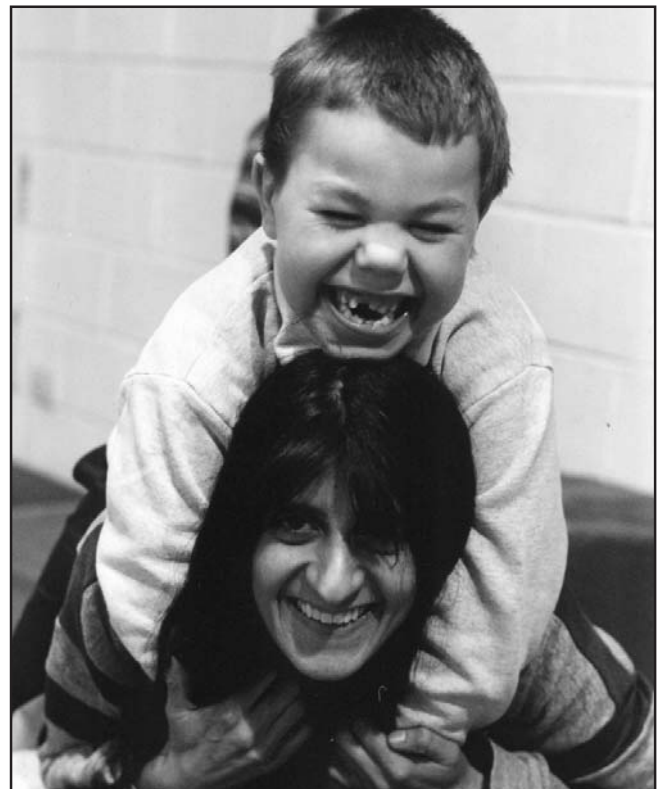
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- Training for parents and an improved understanding of their children's special educational needs by school staff and professionals was supported by the majority of those consulted.
- There is a lack of children's participation within the current process. The most appropriate and effective methods of communicating and consulting with individual children and young people with special educational needs have to be identified and acted upon.
- There is a lack of multi-agency co-ordination. Legislation needs to be co-ordinated, and 'joined up' working between the different agencies put into practice.
- Information needs to be provided by local authorities and professionals to parents at an early stage (i.e. pre-school) and this information needs to be built on at regular intervals throughout their child's development. This will enable parents to operate on a level playing field and assist them to make informed decisions about their children's education.

The full response can be found on the children in Scotland website: www.childreninscotland.org.uk



ENQUIRE UPDATE

Training events

There are three local training events entitled *Meaningful meetings: promoting joint decision making between parents and professionals* to be held this year in Castle Douglas (9 October), Edinburgh (6 November) and Glasgow (7 December). For more information or to book a place on these free events, please contact Julia Wilson, Training and Development Officer on 0131 222 2424 or e-mail jlwilson@childreninscotland.org.uk

Factsheets

Two new factsheets will be produced in the autumn. These will be on transport and access to records. If you would like to order copies or obtain a full publications list, please contact the Enquire administrator on 0131 222 2425.

Useful organisations

The Scottish Dyslexia Trust publishes a Directory of useful contacts for those interested in the development and dissemination of specialist dyslexia teaching methods. The Directory can be viewed on www.dyslexia-scotland.org. For more information, please contact Angus Maclay on 01835 823 003.

Community Fund Awards

Small voluntary and community groups are invited to apply for a grant of up to £5000 from Community Fund Awards for All during an open day (12pm - 8pm) on Thursday 1 November at Marryat Hall, Dundee. Advice and help with forms will be available on the day, hosted by Dundee Voluntary Action. For more information and an application form, please contact Linda Caston on 01382 305 732.

Helpline - comments from callers

- ▶ "Everything one would need on moving to Scotland with a child who has special needs" **parent**
- ▶ "The information I received was accurate and helped me understand the education system which I could then pass on to families and young people." **professional**
- ▶ "Let parents know all new changes because your information does make a difference." **relative/advocate**
- ▶ "It was nice to talk to someone well-informed on their subject matter." **professional**

New Code of Practice for Schools – what do you think?

By Heather Fisken, Policy Analyst,
Disability Rights Commission Scotland Office

In July 2001 the Disability Rights Commission (DRC) issued a draft Code of Practice for Schools for public consultation. The Code covers the new duties introduced by the SEN & Disability Act 2001 which amends Part IV of the Disability Discrimination Act 1995 (DDA).

The new duties will ensure that children and young persons who are disabled are not discriminated against in education. The duties are statutory and apply to all schools and nurseries in Scotland, including independent, special and state primary and secondary schools. They cover every aspect of school life including admissions, exams, the curriculum, sports and school trips. The duties come into effect in September 2002.

There are two ways that a child or young person with disabilities can be discriminated against by their education provider. They can give that person “less favourable treatment” than they would give to a child without a disability or they can fail to make a “reasonable adjustment”. This could mean refusing to relocate a class of children to a more accessible classroom to accommodate a disabled child.

The Code uses examples to show how discrimination could occur. One example used to show less favourable treatment is when a father seeks admission to a primary school for his son who has epilepsy. The school tells him that they cannot admit the boy unless he stops having fits. This is less favourable treatment for a reason relating to the child’s disability.

The Code also describes when discrimination may be justified. Justification can be permitted when the reason given is both “material to the circumstances” and “substantial”. This means that the reason given relates entirely to the circumstances of the case and is not based on assumptions about the particular child or about their disability. The reason given cannot be minor or trivial.

The Code gives practical guidance to help schools and the people responsible for ensuring that the duties are implemented to understand what they must do. It also encourages them to work towards best practice. The Code can be used by disabled children and young people and their parents to understand the law and explains what they can do if they feel that they have been discriminated against.

The DRC wants to learn what people think of the draft Code. It is important that parents, local authorities, school boards

and others are given an opportunity to talk to the DRC about the Code and how it will work in Scotland. The consultation is open to all and runs until the 31st October. Copies of the draft Code and the consultation document are available from the DRC. The DRC held a seminar for education providers in Glasgow on 14th September 2001 and has asked Children in Scotland to organise a small number of seminars for parents and the voluntary sector during October.

Copies of the consultation document can be obtained from www.drc-gb.org and through the DRC Helpline on 08457 622633 (telephone), 08457 622644 (textphone), 08457 778878 (facsimile), enquiry@drc-gb.org (email) and DRC Helpline, FREEPOST, MID 02164, Stratford upon Avon, CV37 9BR.

Consultations on the new Code of Practice (Schools)

Children in Scotland in association with the Disability Rights Commission are running a number of seminars across Scotland. The seminars will provide more information about the Code and how it relates to education in Scotland and will aim to get feedback on:

- **what people think about the Special Educational Needs and Disability Act 2001 and the draft Code;**
- **what kind of things should be in the practical guidance for parents and young people, due for publication by the Disability Rights Commission later this year.**

Children in Scotland’s Chief Executive, Bronwen Cohen commented “These consultation events will raise awareness and disseminate information about the rights of disabled children and young people in schools as outlined within the new duties in the Code of Practice (Schools). They will also provide the Disability Rights Commission with a sample of some of the issues around education which are key to disabled children throughout Scotland”

The events will take place in:

Dundee: Saturday 6th October 2001, 10:30am – 3:30pm

Edinburgh: Monday 15th October 2001, 10am – 1pm

Ayr: Saturday 20th October 2001, 10:30am – 3:30pm

To book a place today please contact Jeanette Ellingsen at Children in Scotland, Tel: 0131 222 2440 or email: jellingsen@childreninscotland.org.uk. Places are limited and bookings will be accepted on a first come first served basis.

Enquire.SENinfo@childreninscotland.org.uk

Mediation Pilot Takes Off

The exciting pilot mediation project developed by Enquire is now operational. The aim of the project is to help resolve problems that can sometimes occur between parents or carers of children with special educational needs and the relevant local authority departments.

Mediation is not a new approach to solving problems. It is really just about improving communication. A mediator acts as a neutral go-between among the people having a disagreement. The mediator does not make judgements or recommendations – their role is mainly to help the people in dispute to talk with each other and to work out their own solutions.



Some problematic issues that can be handled by mediation include:

- school placement;
- level of provision for a child with special educational needs;
- exclusion from school;
- provision of transport;
- provision of respite care.

At present, the mediation project is operational in five local authority areas:

- Argyll & Bute;
- East Dunbartonshire;
- Glasgow;
- South Lanarkshire; and
- Stirling.

If successful, it is hoped that the project could be extended nationally.

Six trained volunteer mediators are now taking cases. All have excellent listening skills and a sound knowledge of special educational needs.

Mediation is a growing method of dispute resolution in Britain. There are already services established in a number of different fields such as neighbourhood mediation, victim/offender mediation and family mediation. In all these examples a trained mediator helps people in conflict to talk to each other and to listen to each other. In most cases, some level of understanding and agreement is reached.

If you are a parent or professional from any of the local authorities participating in the pilot who is currently having problems with any SEN issue then you should contact Enquire staff. We will talk to you and discuss whether your situation may benefit from mediation. The service is completely free and confidential.

For more information about the service please contact
Morag Steven or Peter Reid
Mediation Project Officers
Enquire, Princes House, 5 Shandwick Place, Edinburgh EH2 4RG

Telephone 0131 222 2422 or 0131 222 2444

Email msteven@childreninscotland.org.uk
preid@childreninscotland.org.uk

I AM HAVING A DISAGREEMENT - WHY SHOULD I USE MEDIATION?

- **Mediation tends to provide quicker and less formal resolution of disputes than the appeals system.**
- **The mediator is independent and completely neutral. He or she does not take sides and is not an employee of the local authority.**
- **All information disclosed during the mediation process is confidential.**
- **It is the parties involved who decide the outcome. No agreement is signed unless both sides are satisfied.**
- **The parties can be creative in the solutions agreed upon.**
- **Mediation allows those involved to establish and maintain a good working relationship after the process is over.**
- **Enquire's service is completely free of charge.**