

Enquire

within

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THE NEWSLETTER BULLETIN OF ENQUIRE, THE SCOTTISH ADVICE SERVICE FOR ADDITIONAL SUPPORT FOR LEARNING

The Education (Additional Support for Learning) (Scotland) Act 2004 received Royal Assent in May. Work is now underway to prepare the Code of Practice which will underpin many of the provisions in the Act. Once the Code is written and other preparations completed the Act will be brought into force, probably in the later part of 2005. In this issue of *Enquire within* we have outlined what the Act will mean for families, and have spoken to a range of parents, professionals and policy makers about their hopes and concerns in response to the new legislation.

The new legislation

The 2004 Act is the first major review of legislation for children and young people with special educational needs since 1980. One immediate change is in the words we use to describe children who need extra support in order to learn – the phrase ‘special educational needs’ will disappear and a new, broader, more inclusive term ‘additional support needs’ will be introduced. The main duty on local authorities will be to make adequate and efficient provision for ‘additional support’ required by a child or young person. School education must be directed towards each child fulfilling their own potential to the fullest. But what else will the Act change, and how will it actually affect the children and young people receiving education, and those who provide it?

What will change for children and young people and their families?

- More children and young people will be entitled to get support because the definition of additional support needs is wider than the old definition of special educational needs. Broadly speaking, it includes anyone who needs extra support to access the same education as their peers.
- A co-ordinated support plan will be prepared for children and young people with ongoing additional support needs arising from complex or multiple factors who require support from a range of providers.
- If there is a dispute and the child or young person has a co-ordinated support plan, there will be mediation services available. Cases which cannot be mutually agreed can be referred to an independent Additional Support Needs Tribunal.

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- If there is a dispute and the child or young person does not have a co-ordinated support plan, there will be access to mediation services and a new alternative dispute resolution service.
- An application to an independent special school can be made on behalf of any child or young person with additional support needs.
- Information for parents and families, including information about policies, mediation and dispute resolution services will be provided by the local authority.
- Parents or young people can invite supporters to meetings and they can also bring an advocate to speak on their behalf.

What else will local authorities have to do?

- Establish procedures for identifying and meeting the additional support needs of children, and keep the needs under review.
- Follow procedures for preparing and reviewing co-ordinated support plans.
- Seek and take account of advice or information or views from others including other agencies, the child or young person and their parents.
- Plan for transitions, particularly the post-school transition, for all children and young people who are likely to require extra help.
- Provide for children in their area under school age who have additional needs arising from a disability if they have been notified by a Health Board.

Phone Enquire on 0845 123 2303

Additional Support for Learning timeline

1980

The Education (Scotland) Act introduces the Record of Needs which aims to ensure that children with pronounced, specific or complex special educational needs, requiring continuing review, will receive appropriate education. This legislation became increasingly at odds with emerging policies on the development of inclusive education within an inclusive society.

September 1999

The Beattie Committee Report *Implementing Inclusiveness, Realising Potential*, is published. The committee was set up to look at post-school provision for children and young people who need additional support to make the step from school into further education, training or employment. The recommendations included improvements to guidance and support arrangements during transition.

2001

The Scottish Parliament's Education, Culture and Sport Committee launch their inquiry into special educational needs. Their report highlighted the need for change in the existing special educational needs system and said that more emphasis should be given to inclusive schools and removing the barriers to the participation of children in mainstream education.

Continued opposite...

The new education act – hopes and concerns

Enquire within approached parents and professionals to ask them what they welcome about the new Education (Additional Support for Learning) (Scotland) Act 2004, whether they have concerns and what they hope it will achieve. The Scottish Executive and the convenor of the education committee have also given their views on the legislation.

The **parents** who spoke to us gave a cautious welcome to the Act -

"I believe it will give parents and the child a greater say in the way forward for the child's education" Parent of an eight-year-old child with dyslexia and other learning difficulties.

Parents responded to our question about what they hoped for the future in a positive way -

"My hope is that the Act will improve awareness in schools" Parent of a thirteen-year-old in first year of secondary.

"My hope is that the Act will help all children with additional support for learning needs to be able to fulfil their potential at a level attainable to them and not in a one size fits all case" Parent of an eight-year-old with dyslexia and other learning disabilities.

Parents also expressed concerns, primarily around resources. Many felt that there is already a strain on educational resources caused by the mainstreaming provision. (The Act does not change the requirement made by the Standards in Scotland's Schools etc Act 2000 that, wherever possible, children should be educated in mainstream schools.) They expressed concern that the new legislation might add to that strain -

"My concern is - lack of training in additional support needs bases/mainstream classes - this leads to a lack of knowledge and uncertainty about support levels to be provided" Teacher and parent of a ten-year-old with ADHD.

"My concern is that children with special needs will be required to access mainstream schools and that special schools will disappear" Parent of an eight-year-old in a special school.

Professionals offered a positive welcome to the legislation -

"It reflects a more inclusive and less discriminatory approach to the need for additional support. It offers a continuum in terms of need and strategies to support need" Principal educational psychologist.

"It puts children and families at the centre and recognises how crucial it is to co-ordinate services at the point of delivery" Headteacher of special needs school.

They, too, identified resources as a concern, as well as issues related to mediation and dispute resolution -

"My main concern is that it will raise expectations of and demands on services like speech and language therapy with no additional resource to meet those demands. Services are still trying to manage the impact of 'Presumption to Mainstream' Head of Speech and Language Therapy.

"Children and young people will be able to benefit from improved provision, now that the Education (Additional Support for Learning) (Scotland) Act 2004 has been passed." - Scottish Executive

The Executive is providing an additional £26 million over the next two years to help implement the Act, on top of the £50 million it spends each year supporting inclusion.

“A concern about the Act is that it sets up a potentially adversarial system which is still predicated on individual children’s needs. This is reflected in the various levels of dispute resolution necessary” Educational psychologist.

As for their hopes for the future, the professionals who responded to us told us – *“My hope is that all children with Additional Support Needs are adequately and equally provided for”* Teacher and parent of a ten-year-old child with ADHD.

“I hope that it will take away the burden of uncertainty and worry for parents and better meet the needs of children” Headteacher of a special needs school for pupils with profound learning difficulties.



The **Convenor of the Scottish Parliament’s Education Committee**, which probed and tested the effectiveness of the Additional Support for Learning Bill as it progressed through Parliament, said he was optimistic that the resulting legislation will improve the situation for children with additional support needs.

Robert Brown MSP, said: *“There may be an element of increased demand on resources but I am optimistic that under the new framework, the resources will produce a better deal.”*

One of the biggest remaining challenges now, he said, is ensuring that children with additional support needs have the necessary support during their transition into adulthood – into work or higher education.

The **Scottish Executive** responded to the general concerns over resources and outlined the benefits which they hoped would accrue. Mike Gibson, Head of the Additional Support Needs Division at the Scottish Executive, said –

“Children and young people will be able to benefit from improved provision of additional learning support, now that the Education (Additional Support for Learning) (Scotland) Act 2004 has been passed. All relevant agencies – such as health boards and social work services – will have to work with education authorities to identify and support children’s learning needs.”

He emphasised the range of new rights which parents would have, including the opportunity to find out whether their child has additional support needs; to request a specific type of assessment for their child; and to use mediation services where there is disagreement over what support the child requires. A leaflet is being issued to all parents through a 'school bag drop' which explains the changes. These changes will happen from autumn 2005.

Responding to the issues raised about resources, Mike Gibson said *“The Executive is providing an additional £26 million over the next two years to help implement the Act, on top of the £50 million it allocates each year supporting inclusion, improving physical and curricular accessibility to schools, and for staff training.”*

There is no doubt that those involved with education will be keeping a keen eye on how the Act is implemented.

Timeline continued....

May 2001

The Scottish Executive issues the consultation document *Assessing our Children’s Educational Needs: The Way Forward?* It invited comments on what changes were needed to improve and update the current assessment and recording framework.

February 2002

The results of the consultation above are published and the Scottish Executive outlines proposals for the new additional support legislation to replace special educational needs legislation.

January 2003

The Scottish Executive announces a consultation on the Draft *Education (Additional Support for Learning) (Scotland) Bill*, to run for two-and-a-half months. The Executive also published a framework for modernising special educational needs policy that represented a more inclusive approach with a move away from the negative connotations of special educational needs policy.

March 2003

The Beattie National Action Group, set up in 2001 to oversee the implementation of the Beattie Committee Report, outlines future priorities that include, in particular, multi-agency approaches to share expertise and resources.

November 2003

The Education Committee begins to take evidence on the Bill at Stage 1. This led to the lodging of amendments at Stage 2, when the committee examined the Bill in detail. It then went to Parliament for the Stage 3 debate before being sent for Royal Assent.

May 2004

The Education (Additional Support for Learning) (Scotland) Act 2004 receives Royal Assent.

**Call us: 0845 123 2303 Email us: info@enquire.org.uk
Visit our website: www.childreninScotland.org.uk/enquire**



Putting the Act into practice – seminars and newsletters

The Scottish Executive, working with Children in Scotland, has completed a series of five regional seminars on the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004. The events, held in Glasgow, Dumfries, Nairn, Dundee and Edinburgh, brought together professionals from education, health and social work, and parents.

Participants considered how best to support families. There was discussion on how the new dispute resolution process would work in practice and how parents and young people could be involved with the Act's implementation. It is likely that the Act will be implemented in the autumn of 2005. Before then the Scottish Executive intends to consult widely on the Code of Practice, a draft of which should be produced by the end of 2004. It is the Executive's intention to continue to engage with stakeholders (including parents and young people) as the process continues.

Information gathered at the events will be used by the Executive's implementation team to inform the development of the Code of Practice. Children in Scotland will be producing a series of newsletters on behalf of the Executive to help share information and best practice and the Executive will be setting up a website with information on the Act that will be a resource for professionals.

Noticeboard

Going to secondary school – the new Enquire booklet for Primary 7 pupils with additional support needs. This colourful booklet with original artwork contains essential information, words of encouragement and a few jokes. It will be available in a range of alternative formats – please ask for details. A must for transition planning.

Have your say

An up-to-date video guide to participating in life at school for young people with additional support needs. This replaces the current Enquire video and features young people from across Scotland sharing their experiences of getting different kinds of help, joining in at meetings and having their say. Every copy includes a version of the video with subtitles and BSL interpretation. Designed to inspire!

Going to secondary school and **Have your say** will be available in the Autumn term – **contact Katy MacDougall on 0131 222 2436 or at kmacdougall@childreninscotland.org.uk to pre-order your copies.**

Protection of Children (Scotland) Act Free briefings for trainers

Throughout August a series of one-day workshops on this new legislation will offer voluntary sector trainers training on the implications for voluntary sector organisations.

Children in Scotland magazine – August issue

Just £28 for 12 issues a year for our members. In August's issue writer and trainer Sue Wheatley looks at the Protection of Children (Scotland) Act, and what it means for the voluntary sector in Scotland, while Stan Godek explores strategies for communicating effectively with young people who display anger, aggression or challenging behaviour.
www.childreninscotland.org.uk/cis

Assets, families and children: investing in our future - a national conference

Friday 15 October 2004, Edinburgh

A national one-day conference exploring what the Child Trust Fund Act will mean for children, young people and families. With input from children and young people themselves.

For more information contact Radha Singh on 0131 222 2438, rsingh@childreninscotland.org.uk. Book online www.childreninscotland.org.uk/afc

Children in Scotland's new **online Participation Map** features groups and individuals involved in the participation of children and young people in decision making and service planning at a local and national level across Scotland. Simply click on your chosen area of Scotland to view projects in that area. To view the map or be featured in it, visit **www.childreninscotland.org.uk and click on 'participation'**.