



9 February 2018

**Consultation on Excellence and Equity for All:
Guidance on the Presumption of Mainstreaming
Response by Children in Scotland**

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do. By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland. We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland manages Enquire, Scotland's National Advice Service for Additional Support for Learning and is keenly aware of the additional support for learning landscape in Scotland. We are firmly committed to ensuring that all children in Scotland are able to attend an inclusive school environment that promotes their best interests. As such we are pleased to be able to respond to the consultation on the draft guidance on the Presumption of Mainstreaming.

Q.1 Do you agree with the vision for inclusive education in Scotland?

Yes.

Children in Scotland agrees that mainstreaming cannot be delivered without inclusion (as stated in paragraph 2). However, we believe a vision for inclusive education should encompass all children's educational experiences, not just the experiences of children in mainstream settings. We would therefore advise caution in the use of the terms "inclusive education" and "mainstream education" as these should not be used synonymously.

We refer back to the views of then opposition MSP, Nicola Sturgeon, when the Standards in Scotland's Schools Bill was debated in 2000. Ms Sturgeon's expectation was that "[a] good school will adapt to suit the abilities of all children, not just some. [...] That responsibility should be the hallmark of a good education system."¹ We are concerned that 18 years later, we are still in the process of clarifying the responsibilities of an inclusive mainstream education system.

We would further advise that inclusion and inclusive education, as well as the key features of 'participation', 'achieving' and 'supported', should also be seen as an on-going process. Inclusion is not a static goal as children's needs and circumstances will change. This will require a flexible approach that is regularly reviewed.

We would also welcome further clarity as to where this guidance sits in the context of wider education reforms. There was barely any reference made to

¹ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=4238&mode=html>

additional support for learning within Delivering Excellence and Equity in Scottish Education²; we remain concerned that these two important policy areas are developing in parallel and not in a co-ordinated manner.

Q.2 Do you agree with these principles?

Yes, Children in Scotland agrees with these key principles. However, we feel greater clarity is needed as to how they are applied in practice alongside the legal requirements of the Standards in Scotland's Schools Etc Act 2000. This could be done by explicitly referring back to the principles throughout the guidance.

Children in Scotland would suggest the inclusion of an additional principle that recognises children and young people's right to be active participants in decisions made about their lives (in accordance with Article 12 of the UNCRC) and as leaders of their own learning. While participation is referred to throughout the guidance, we feel that it is important to emphasise this as a principle from the beginning.

Q.3 Are the expectations set out under each of the 'present, participating, achieving and supported' principles the right ones?

Present

Children in Scotland is concerned about the inclusion of children who cannot be physically present at school, such as children in hospital, and the barriers that they might face when they are well enough to return to school. Thought should be given as to how children who cannot attend school are still able to feel

² <http://www.gov.scot/Publications/2016/06/3853/0>

included in school life and to continue with their education. This will depend on individual situations and preferences but could involve regular online communication, phone calls, visits or digital learning platforms. The transition back to school after a period of absence is one that should be managed with careful planning as well.

There are also children who are facing challenges that mean they are not able to be present at school full-time. Young carers, young parents, traveller children, children who are looked after, or children with fluctuating health conditions may all struggle to attend school all the time. For some of these children, a part-time timetable may have been arranged for them. However, if home circumstances are unpredictable, even a part-time timetable might not be achievable. For these children, an emphasis on presence as part of inclusion can be a barrier to their feeling included as the focus so often is on how much time they have spent absent from school.

We are also concerned about the use of unlawful and unrecorded exclusions whereby schools are clearly unable to provide the flexibility and support needed to ensure pupils' presence at school. We believe that the guidance should address this significant barrier to inclusion that we know occurs in practice, through feedback from callers to the Enquire helpline. This is particularly worrying if a school can meet the expectations for inclusive practice despite a pupil in reality not being present. We are currently working with Scottish Autism and the National Autistic Society Scotland surveying families of children with autism spectrum disorder on their experiences of school. One of the areas families were asked about was with regards to unlawful exclusions and we would welcome the opportunity to discuss the findings of this survey with you when they are published.

Participation

As a children's rights organisation, Children in Scotland champions participation that goes beyond being present and involved in the day-to-day life of school. We would advocate for all pupils to have the opportunity to be involved in decisions that affect them. "All children and young people should have their voices heard in decisions about their education" is one of the key expectations set out in the guidance for participation. This is in line with children's rights under the UNCRC (Article 12) and Children in Scotland would endorse this as the main feature of meaningful participation.

In interviews carried out with young people for whom attending school was a challenge, pupils at Wester Hailes Education Centre spoke about their positive experiences. All of the pupils interviewed spoke about the importance of having the opportunity to make decisions for themselves, that their views are listened to and they have a say.³

For children with additional support needs, meaningful participation will be about how these needs are met at school. However, it also means the opportunity to be involved in wider school decisions. We would encourage schools to ensure that opportunities for dialogue with pupils are inclusive, and go beyond traditional structures such as pupil councils, which are not accessible to all children and young people.

It should be evidenced to the child or young person how their views are taken into account in the decision-making process. Dialogue with children and young people should be meaningful, ongoing, and result in change.

³ The Learners' Perspective, Enquire Conference Film 2012
<https://youtu.be/G0RcsfmO810> <accessed 30.1.2018>

As we have highlighted in our response to the Empowering Schools consultation⁴, it is important that clear principles of participation are embedded across schools without being prescriptive about how these are applied. Children in Scotland also recommended that schools should have a duty to record and report on participation. However, we also recognise that some schools may need assistance in putting meaningful participation into practice and due to its time-intensive nature, meaningful participation might not be made a priority. We would draw the Scottish Government's attention to our Leaders of Learning Project which may provide some helpful learning and guidance in this area⁵.

With regards to participation on school trips and wider school activities, the responsibility should be on the school to ensure that these activities are made as accessible as possible to all pupils, rather than the responsibility being on children to participate in activities that they do not feel comfortable or able to do, or the expectation being that parents attend.

Achieving

Children in Scotland supports the need for children to have a sense of achievement to feel included in their education.

*"It feels awesome to move on a level because it makes you feel great about yourself."*⁶ (young person, Leaders of Learning)

However, we would emphasise the need for caution in how achievements are

⁴ https://childreninscotland.org.uk/wp-content/uploads/2018/02/Empowering-Schools-response_FINAL.pdf

⁵ <https://childreninscotland.org.uk/leaders-of-learning-2013-16/>

⁶ Leaders of Learning

measured.

“We want teachers to set challenging targets but be careful not to ask us to reach too high. That might affect our confidence!”⁷

(young person, Leaders of Learning)

No guidance is given on what is envisaged in terms of achieving. It is positive that later in the guidance (paragraph 28), achievement is recognised as a “personal learning pathway”. However, achievement in a school context is often of an academic nature.

In previous consultations (National Improvement Framework⁸), we raised concerns about achievement being measured with an over-emphasis on testing. We have also commented on the potential for subject options to be reduced for students due to a pressure to achieve in a traditional academic sense. With the current focus on closing the attainment gap, pressure to raise attainment and measure progress via standardised assessments is at odds with creating an inclusive education system. We are concerned this will lead to a narrow view of achievement. A culture of target-setting and performance indicators also impacts on staff and can be a barrier to them feeling able to put in the time and flexibility required to create an inclusive environment for pupils. Greater clarity is needed as to how these two agendas can be addressed by schools simultaneously to the benefit of all students. This was a point made by Professor Lani Florian, Bell Chair of Education, in her public lecture on the presumption of mainstreaming in January 2018.

⁷ Ibid

⁸ <https://childreninscotland.org.uk/wp-content/uploads/2017/11/NIF-Measurement-framework-FINAL.pdf>

Children in Scotland would advocate for the importance of children being involved in setting and reviewing their own targets. This process should not be exclusively adult-led as children need to be able to say if they feel that something is not working.

Supported

Children have highlighted the importance of staff having an understanding of circumstances that may be a barrier to their learning. For example, a care-experienced young person spoke of feeling angry and unable to concentrate at school because of circumstances at home and the need for teachers to know about this.⁹

We are concerned that there may be structural issues that may be a barrier to inclusive mainstream education, such as funding for support staff. A young person at a mainstream school spoke about their struggle at a school they enjoyed without the support they required.

“My school is the best but I need someone to help me most of the time and I don't have anyone. My teacher and head teacher try to help me but they can't do that all the time and so I get mad about stuff and then I am naughty and it gives me a sore head and sore feet and I want to run home. I just want to have someone to help me. Mummy goes to meetings to try to get me more help but they don't do anything. It is making me sad and I feel like I am bad at school. I am good at home though so it makes me sad. I am in p2 now and I don't want to go to school anymore.” (young person, IncludED in the Main)¹⁰

⁹ The Learners' Perspective, Enquire Conference Film 2012
<https://youtu.be/G0RcsmO810> <accessed 30.1.2018>

¹⁰ IncludED in the Main, p.41

We are concerned that due to limited resources, staff may not feel that they are adequately trained to be able to dedicate the time and flexibility to create a truly inclusive school environment. We endorse the promotion of training in paragraphs 49 – 50.

We believe it should be acknowledged that all of these key features are ongoing processes which should take into account the changing needs of individual children. To support this, we recommend that an evaluation procedure for these key features of inclusion is developed. As highlighted by callers to the Enquire helpline, the need for this guidance has arisen from the fact that some families feel that the presumption of mainstreaming does not work for their children. Guidance on how these features of inclusion are evaluated would help to make decision making clearer and more transparent.

Q.4 Are the entitlements and options for provision clear?

While our response is not from a practice perspective, we feel that the entitlements and options for provision are clear.

We would refer to the response from our colleagues at Enquire who have highlighted the experiences of children, parents and carers; the difference between primary and secondary education and the importance of drawing on the range of educational settings and arrangements to meet children's individual needs.

Children in Scotland will always advocate that when any decisions are made, they are made taking into account the individual needs and views of the child.

Q.5 Is the commentary and the reflective questions on each of the exceptions helpful?

The recognition in paragraphs 26 and 27 that that local circumstances differ is a realistic one. However, we also have concerns that the provision of education that meets the needs of individual children should not be a postcode lottery. Referring back to the words of Nicola Sturgeon¹¹, the mark of a good education system should be one that can meet the needs of all children. As we have highlighted in our response to the Empowering Schools consultation, we would encourage consideration to be given to how additional support needs are adequately funded if funding structures are devolved to individual schools¹².

With regards to the processes outlined in paragraphs 29-34, we would once again champion the importance of children and young person being involved in ongoing reviews of how their provision is meeting their needs. Consideration may need to be given about what support a young person may need to be able to participate meaningfully. It is the duty of adults to ensure that children are supported and informed to be able to meaningfully share their views. For this reason, thought should be given about how and when these questions are asked, and we suggest an addition to the guidance that these questions should be reviewed as circumstances may change.

Children in Scotland believe that it is essential that the guidance acknowledges the extension of rights for 12 to 15 year olds regarding their additional support needs. It would also be beneficial for the guidance to reference the new My Rights, My Say service that has been established to support 12 to 15 year old's to access their rights.

¹¹ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=4238&mode=html>

¹² https://childreninscotland.org.uk/wp-content/uploads/2018/02/Empowering-Schools-response_FINAL.pdf

The questions to reflect on the ability and aptitude of the child seem comprehensive and child-focused. It is important that the child is involved in answering these questions and we would encourage thought to be given as to how, where and when these questions are asked.

We would suggest an additional question for reflection at this stage: Have children and young people given consent for their information to be shared or been involved in a conversation about which staff at school their information needs to be shared with? While children and young people have highlighted the importance of staff being aware of their circumstances to be able to support them, this may be sensitive information that only a limited number of people need to know. There is obviously also a legal requirement to ensure that data protection regulations are adhered to.

“If you’re upset you’re more scared when you’re learning. You’re just thinking about what upset you. Sometimes I feel sad and have lots of worries. I want teachers to understand that when I feel sad it’s hard to learn. I want teachers to be aware that I might be putting on a brave face and to take the time to understand what I might be going through at home and within myself. Not all worries, thoughts and problems are public and not everyone needs to know. [They should] respect the fact that I need a bit of space from time to time and respect that my concentration levels get affected by these problems.”

(young person, Leaders of Learning)¹³

We also wish to raise the importance of decisions being made in a timely manner and being communicated clearly to children and their parents and carers. The impact on a child who is already experiencing barriers to learning can be significant if decisions are delayed or if an agreement cannot be

¹³ Leaders of Learning

reached.

Q.6 Are there any areas missing, requiring strengthening, or which are not required and could be removed?

The key areas set out appear comprehensive and we particularly support the overarching emphasis on children's involvement as active participants as well as the need for training to increase staff confidence and remove perceived barriers (paragraphs 49-50).

While the guidance provided is for individual schools, a commitment to inclusive education will need to be reinforced with a strategic approach at national and local level (either through Local Authorities or the newly formed Regional Improvement Collaboratives), it cannot be the sole responsibility of individual schools, particularly when considering that some children and young people may access education in multiple establishments. It will be important for there to be clarity as to where responsibility for this strategy would lie and how partners would feed into this.

Q.7 Were the case studies helpful?

We feel that the case studies could have been more ambitious.

Paragraph 38 rightly emphasises the importance of children's participation as an overarching feature of inclusive education. However, the case studies are largely lacking in the voices and experiences of children and young people. The example of pupil voice from St Eunan's Primary School focuses on pupil feedback on the curriculum. This is important and will improve the experience of learning for pupils. However, examples of how pupil voice extends to being involved in a range of aspects within school environments to make schools more inclusive would be appreciated. We would also welcome more examples from

active participation from secondary school where a different emphasis on curriculum and testing can act as a barrier to participation.

The view of the Headteacher of Cardinal Winning Secondary School that inclusion cannot be gifted to children, it must be something they feel, is a view that we would support. We feel that mainstream schools have a lot to learn from special schools as inclusion is not synonymous with mainstream education. For the purposes of the guidance, it may be beneficial for a range of cases studies under each heading from both mainstream and special schools.

The example of parent and carer engagement from New Stevenson Primary School is the most detailed and perhaps most useful of the case studies as it demonstrates clear challenges and how they have been addressed.

As previously acknowledged, due to the fact that local circumstances differ, it would also be useful to have case studies from a wider geographical area.

Q.8 Overall, is the guidance helpful?

As Children in Scotland is not a service provider, we do not feel able to comment on this area.

Q.9 Are there any other comments you would wish to make about the draft guidance on presumption of mainstreaming?

We are aware that Research Scotland is carrying out work with children and young people on their experience of mainstream education. While this work will not be concluded in time to inform this consultation response, we would advocate for the young people's findings to be taken into consideration when developing this guidance further.

Children in Scotland is also carrying out a project with the GTCS updating the Professional Values section of the Teaching Standards. This will provide further information on what children and young people want from their teacher to create an inclusive school environment.

We would also raise the need for consideration to be given to other ongoing changes and priorities in the education system at this time. The proposed changes to education governance and increased powers to headteachers has the potential to provide them with flexibility to make decisions about inclusion but could also create greater variance between schools in their practice. We would ask for clarity about plans to monitor and evaluate inclusivity in education across Scotland and the role of those involved in this process.

Children in Scotland feels that this guidance is more focussed on creating inclusive mainstream education settings rather than on the presumption of mainstreaming itself. While we acknowledge that some of the language is taken from legislation, we do find the vocabulary of the presumption of mainstreaming to be problematic as it implies failure if mainstream education is not the right provision for a child.

Children in Scotland believes that inclusive education goes beyond the placement of a child in a mainstream setting. Inclusive education should be multifaceted and should encompass all education settings. A whole school ethos of inclusion will be to the benefit of all, as well taking into account the individual needs and views of children as an ongoing process.