



Children in Scotland

Submission to the Scottish Government's Human Rights National Taskforce 2021 relating to their work on the Convention on the Rights of People with Disabilities

Submission on behalf of the Young Ambassadors for Inclusion – January 2021

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 currently supports the Young Ambassadors for Inclusion group¹, known as the Inclusion Ambassadors. The Inclusion Ambassadors are a group of young people from across Scotland who attend a variety of school provision and have a range of additional support needs. The group was created to ensure that the views of young people with additional support needs are heard in discussions about national education policy.

This submission to the Scottish Governments Human Rights National Taskforce 2021's work on the Convention on the Rights of People with Disabilities (CRPD) is based on our work with the Inclusion Ambassadors group. Due to the current situation with coronavirus, we were not currently able to support the members of the group to contribute directly to the review.

The submission will provide evidence of areas where the rights of young people with additional support needs are not currently being realised. Based on this we will also lay out how we think incorporation of the CRPD would affect young people with additional support needs.

We have used a briefing prepared by Together (the Scottish Alliance for Children's Rights) as a framework for our submission².

¹ <https://childreninscotland.org.uk/inclusion-ambassadors/#:~:text=The%20Inclusion%20Ambassadors%20are%20a,13%20local%20authorities%20across%20Scotland.>

² <https://www.togetherscotland.org.uk/media/1851/taskforce-crp.pdf>

Realisation of children and young people with additional support needs rights

We know that there are many examples of good practice where the rights of children and young people with additional support needs are realised in Scotland at present. However, our work with the Inclusion Ambassadors group has identified a number of key areas where rights are not being met, specifically within education settings.

Our submission will focus on some of the topics covered by the group over the last 18 months. We have based the response round the key areas of rights listed by Together in their briefing for children and young people. It highlights where members of the group have had issues or positive experiences in these areas, we have identified where this could be seen as impacting on their rights.

The right to be treated fairly and respected.

Members of the Inclusion Ambassadors group are clear that they want to be treated equally in school. They want teachers to take account of their needs but not single them out. Unfortunately, we have heard about situations in which they feel they are treated unfairly or are not respected by staff or other pupils.

They have told us they feel like they are overly restricted or 'treated like they can't function'. They have highlighted that they often feel they are treated differently from their peers and that they can be spoken down to.

Members of the group have also told us they feel some teachers have a lack of understanding of their needs, a lack of knowledge about their resource and support requirements and at times failed to demonstrate caring qualities. We heard from one young person that we work with that they had been told 'to be thankful for the support you get'.

The Ambassadors also said they are often treated differently by their peers within the school environment.

The right to make their own choices.

Members of the group have been clear that they do not always feel they are allowed to make their own choices whilst at school. They urge for adults to understand their desires and need to be independent, even if within certain limitations. Ultimately, they want support and not control.

From our work with the group, it is clear that children and young people with additional support needs are not experiencing their right to make choices in all aspects of their life.

The right to say what they think and for adults to listen.

The group have highlighted they rarely feel listened to in decisions about their education. This ranges from their day-to-day interactions with teachers and support staff, to bigger decisions about the support that they receive.

Members of the group have clearly articulated to us that they feel having more choice over their education helps them learn. It is worth highlighting that we know

from our work with the General Teaching Council for Scotland and for the Scottish Learner Panel, the importance that children place over choice in their learning³⁴. Many of the group have told us a key change they would make to delivery of education would be having their needs better acknowledged and understood when deciding on their support.

The importance of choice in their learning has been particularly clear in our discussions with the group over the period of restrictions due to coronavirus. Some young people liked the freedom of learning at home whilst others say they struggled without the support they gain when in school.

It is important to note here we are not advocating for an ongoing continuation of home learning for children and young people. However, it is clear from their experiences of home learning that having more freedom to work in a way and at a pace that suited them was a positive for some young people.

In order to ensure young people can exercise their right to be heard in educational decisions, we must learn from these experiences and build more opportunities for flexible, tailored learning approaches as part of 'normal' education delivery when current restrictions are eased. Incorporation of the CRPD would provide further legal basis for children having this sort of choice and say in decisions about their education.

The right to be included.

The Inclusion Ambassadors have regularly told us about issues that mean they do not feel fully included in school environments. Many have experienced bullying and say there can often be a lack of understanding from their peers. They have identified that schools should support all children to be understanding and empathetic of children and young people with additional support needs.

We have also heard how physical resources in schools have an impact on how included young people with additional support needs feel. They have told us that the corridors can feel unsafe when they are busy, sometimes causing anxiety. Young people on the group have told us that schools often seem reluctant to make minor adjustments to support young people with additional support needs to feel safer in these environments, such as letting people out of class a few minutes early to avoid the crowds.

The right to education with extra help if they need it.

Getting the right support

The group have mixed experiences about whether they get appropriate support from schools, but agree getting the right support is important and they feel worse without it. Members of the group have suggested that sometimes the support they are entitled to is not provided, some members of the group have experience of levels of support dropping nearer exams or not getting support in these settings.

³ <http://www.gtcs.org.uk/web/files/the-standards/Children-In-Scotland-Review-of-Professional-Standards.pdf>

⁴ <https://childreninscotland.org.uk/pupils-views-in-the-spotlight-as-exciting-education-initiative-gets-underway/>

However, it is also worth highlighting that the group do have many positive examples of getting the right support and have highlighted the benefit this can have for them.

Members of the group have highlighted that they found it hard to get the support that they were entitled to during the first period of home learning. They told us they did not feel their needs had been prioritised.

With home learning set to continue, we must ensure that young people with additional support needs get the support they are entitled to, even when the school building is shut. It is also clear that schools, local authorities and Scottish Government need to do more to communicate the importance that schools place on the learning needs of children with additional support needs, and crucially, how these can continue to be met.

However, while home learning has had negative elements for some of the Inclusion Ambassadors in terms of the support they receive, many also told us it has opened up new learning opportunities for them. Members of the group said they could take breaks when they needed and learn at their own pace, in their own way. They said this made it easier to learn. While this will not work for all young people with additional support needs, we must learn from this following on from the coronavirus pandemic and ensure that greater choice and freedom over learning styles and approaches is maintained.

Challenges around inconsistency

Returning to school after the first period of home learning was difficult for some members of the group. We were told:

'I hadn't been in a long time so getting back into that routine was going to be hard especially given the new rules set in place for school'.

We have regularly heard from the group about the importance of consistency within their education. This includes how changes to rules, structures or procedures are communicated to them. They have also told us that the support they receive can be inconsistent with high staff turnover.

Consistency and clarity are particularly important for children and young people with additional support needs. We know it helps them feel safe and secure within the learning environment.

The coronavirus pandemic has highlighted inconsistencies nationally in terms of how schools communicate with children, young people and families. Members of the group had mixed experiences when school recommenced after summer. Some felt their schools had done well, others said they had not received enough information. Consistency and regular communication is needed to ensure all children and young people with additional support needs receive the clarity required around these challenging transitions.

Understanding and relationships

Members of the group have been clear that teachers do not always understand their support needs well enough. Often this can lead to people being put in

situations that make them uncomfortable, such as being called on in front of the whole class. Members of the Inclusion Ambassadors have spoken about having to regularly remind teachers about the best way to provide support.

They have highlighted that having a positive relationship with support staff can be extremely beneficial for their learning and as such, this is key to ensuring their rights to education are met. Relationship-based practice will be crucial to ensure young people with additional support needs receive support from staff who know and understand their needs. Incorporation of the CRPD could provide a legal basis for changes to practice and policy to provide greater emphasis on relationships and relationship-based practice, which will in turn ensure further realisation of young people with additional support needs rights to education.

Funding and staffing

Members of the group have been clear that a lack of staff and funding means they do not always get the right support. Increases in both pupil support assistants and specialist staff are required to ensure that young peoples' rights to education and additional support are realised. We believe incorporation of the CRPD will provide a framework for change in this area.

Technology

We also know from working with the group that technology is a vital resource, particularly during home learning. We know that a lack of technology caused issues for members of the group prior to the impact of coronavirus and will only have been heightened during the period of the pandemic. Further action is required in relation to the provision of technology if young people with additional support needs rights to education are to be met.

How would incorporation of the CRPD help?

As mentioned previously, we have not worked directly with members of the Inclusion Ambassadors about this response. We have therefore not asked them directly whether they feel incorporation of the CRPD would improve the support they receive.

However, we believe, based on the issues highlighted throughout this submission that incorporation of the CRPD would be a positive step in realising the rights of people with disabilities, including those with additional support needs. It would strengthen current additional support for learning legislation and add weight to the Scottish Government action plan published in November, following Angela Morgan's recent review⁵⁶.

We believe incorporation of the CRPD will support culture change in relation to young people with disabilities and will help ensure fulfilment of a rights-based approach. It will also provide a further legal basis for changes to policy, legislation

⁵ <https://www.gov.scot/publications/additional-support-learning-action-plan/>

⁶ <https://www.gov.scot/publications/review-additional-support-learning-implementation-executive-summary/>

and practice identified in Angela Morgan's review and through work with the Inclusion Ambassadors.

This could include providing a basis for action including, although not limited to:

- More funding for additional support for learning staff
- More opportunities for choice over learning styles and approaches
- Funding for and strengthening of relationship-based practice
- Training and awareness on understanding of the needs of children and young people with additional support needs for teachers and other pupils.

It is also worth highlighting that incorporation of the convention would provide opportunities for redress where the rights of disabled people have been breached. While we would hope that incorporation would create a culture of supporting rights, opportunities for legal redress are an important tool for ensuring that rights are upheld and challenging when they are not.

In addition, it would be pertinent to consider the additional support that disabled children may need to engage in such processes. The My Rights, My Say service assists children with additional support needs who need support to have their voice and opinion heard. This project provides a basis for how young people with disabilities could be supported to challenge any breach of their rights after the convention is incorporated.

Final comments

This response has outlined some of the key issues faced by members of the Inclusion Ambassadors group. It lays out examples of where their rights are not met within education environments. In particular it highlights where their rights to education with additional support are not being met.

As such it provides evidence for why incorporation of the CRPD is required and a basis for understanding where changes to policy, legislation and practice. Doing so will ensure the rights of all young people are met in the delivery of education.