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The Scottish Parliament
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Our ref: Additional Support for Learning
26 July 2017

James,

Thank you for your letter of 16 May 2017 which enclosed the Education and Skills Committee report on Additional Support for Learning. I welcome the report from the Committee on this very important issue. I attach as an Annex to this document, my response to the recommendations made by the Committee. For ease, this information is provided within a table and uses the numbering of the *Conclusions and recommendations* section of the Committee's report. There are a few broader observations that I would make on the report:

- I note the Committee's conclusions which were set out at points 1-6. I understand that the Committee recognises that comments from stakeholders were focussed on what needed to improve, and agree that more can be done to establish the experiences of children, young people, parents, teachers, support staff and education authorities and their partners across Scotland.
- The Committee has recognised the rise in the number of pupils recorded as having additional support needs in Scotland since 2010. As you will be aware, prior to 2010 only pupils with Co-ordinated Support Plans, Individualised Educational Programmes or who were attending a special school were recorded as having additional support needs. However, in 2010 this was extended to include any child or young person receiving additional support. This has led to a large increase in the number of pupils recorded with additional support needs since 2010. This is now a more accurate reporting of the number of pupils receiving support in school, rather than reporting only a small number of those who benefit from the additional support for learning Act provisions.
- The Committee indicated concerns regarding the experience of pupils in mainstream schools and signalled that there has been a loss of specialism, including a reduction in the number of special school places. It should be noted that the number of pupils in



special schools has remained relatively static over time. I have set out in Annex B the statistical information which also provides evidence on these issues.

I have previously written to the Committee to indicate that I will not progress the consultation on the guidance on the presumption of mainstream education until I have taken account of the recommendations of the Committee. On that basis, I will commission research on the experience of those in mainstream education, including children, young people and parents (and those delivering education). This research will run concurrently with the mainstreaming guidance consultation.

I would wish to reassure the Committee that the Scottish Government is committed to the implementation of the Additional Support for Learning legislation. We have a strong record of supporting the implementation of the Act to enable vulnerable children and young people to reach their full potential. We have previously amended the legislation on two occasions and have reported to Parliament on implementation of the Act between 2011 and 2016 in fulfilment of our statutory obligations. I will continue to work to make sure that those children and young people who experience barriers to learning get the support that they need, when they need it, wherever they learn.

I trust that this reassures the Committee of my continued wish to ensure that we get it right for every child, and that all children including those with additional support needs reach their full potential, in learning and in life.

JOHN SWINNEY

Recommendations 1-6 frame the broad conclusions of the Committee report which Ministers agree.

Recommendation 7

The Scottish Government must assess the extent to which the policy to mainstream and the associated communications to education authorities are leading to mainstreaming in practice. The Scottish Government must also assess the extent to which a lack of resources is impacting on mainstreaming in practice and more generally on the provision of additional support for learning in mainstream education.

- 1 The Scottish Government has set out clearly its ambitions for the education of children and young people in Scotland and the need to deliver Equity and Excellence for all children and young people, including those with additional support needs. The Scottish Government has undertaken a review of the guidance on the presumption of mainstream education, the guidance which supports education authorities in their duties under the 2000 Act to provide mainstream education. This review is being carried out in partnership with a range of key stakeholders, including Enable Scotland, the authors of the Included in the Main Report. The guidance as currently drafted makes clear that resources cannot be the driving factor in the decision on a child's placement, and guides those making such decisions in the application of both the presumption of mainstream education and the considerations of the legal exceptions.
- 2 In addition, the Scottish Government has recently reviewed, and is currently consulting on, a revised code of practice which supports education authorities and their partners in the implementation of their duties under the Additional Support for Learning Act. The code of practice continues to make clear that "cost should not be the primary consideration in determining what provision is to be made"¹
- 3 The Scottish Government has reported to Parliament on the implementation of Additional Support for Learning in each year from 2011 to 2016. In each of those years there has been a continued rise in the qualifications achieved and the positive destinations and attendance of pupils with additional support needs. Ministers have also reported to Parliament on the cost of provision and since 2013 this has included specific detail on additional support for learning. Since 2013 education authorities spend on additional support for learning has increased from £527m to £584m in 2015-16. This is in the context of increased spending by education authorities from £4.8bn to £4.96bn in the same period.
- 4 Scottish Ministers are required to collect and publish information on the cost of provision of additional support for learning. We will continue to meet that requirement.
- 5 However, I recognise that even in that context there is concern that resources are being impacted in schools. The Government published its plans to deliver the necessary reforms to Scottish education in order to drive improvements and enable Scotland's education system realise its ambition of excellence and equity for all on 15 June 2017 (*Education Governance: Next Steps - Empowering our teachers, Parents and Communities to Deliver Excellence and Equity for our Children*). At the same time, the Government published a consultation seeking views on the way schools are funded in order to support the vision set out in *Next Steps*.
- 6 The consultation invites views on the way school education is currently funded in Scotland, the purpose of developing a new more consistent approach to school funding and the principles that should underpin any changes. The consultation will remain open until 13 October 2017."

¹ Paragraph 70, Chapter 3, Supporting Children's Learning: Code of Practice 2010
<http://www.gov.scot/Publications/2011/04/04090720/0>

Recommendations 8, 9 and 10

The Committee recommends that the Scottish Government should undertake a quality assurance review of the implementation of the presumption to mainstream policy, and more broadly of the availability of additional support for learning in mainstream schools. This review should place emphasis on the direct experiences of parents (and by extension the children themselves), teachers and support staff in schools. The evidence received by this Committee should be context for the Government's work. Having children in mainstream education who would benefit from it is the starting point, but insight into the real experiences of children with additional support needs in mainstream education is vital to the success of inclusion, including mainstreaming.

The Committee recommends that this quality assurance review should feed into the terms of the revised guidance planned by the Government. The revised guidance must ensure the impact of a lack of resources is reflected in the form the additional support for learning policy takes in the future.

Given the evidence received, and the fact that the mainstreaming policy is a "cornerstone" of inclusivity in mainstream schools, the Committee considers that parliamentary oversight of the progress of the implementation of mainstreaming, and more broadly additional support for learning, is required. The Committee recommends that the Scottish Government, having established a process of quality assurance as part of the review recommended above, reports to Parliament on an annual basis providing qualitative as well as quantitative evidence on additional support for learning in mainstream education.

- 7 I recognise that the Committee has heard from a range of people and organisations that have an interest in improving the implementation of Additional Support for Learning. Scottish Ministers have also reported to Parliament on the implementation of the Act. These reports have included a range of qualitative and quantitative information to present a balanced picture of implementation. I understand the Committee's wish in relation to quality assurance. Education Scotland will continue to have a role in contributing to the information which is reported by the Scottish Government on the implementation of the Additional Support for Learning Act in terms of quality assurance.
- 8 The Advisory Group for Additional Support for Learning, which has representatives from a wide range of stakeholders including children and parents and 3rd sector organisations and those who deliver education, have been working to establish an enhanced framework for reporting focussed on outcomes. This work will continue and will inform future reporting. The Scottish Government will report in early 2018 on the implementation of the Act, particularly in light of the extension of the rights within the Act later this year. This report will follow a similar format to those which have been previously produced by Ministers and will include qualitative and quantitative information.
- 9 I recognise that the Committee wishes to build from the evidence that they have heard. The Scottish Government will commission independent research into the experiences of children, young people, parents, school staff, including support staff, and education authorities and their partners in relation to additional support for learning. This one-off review will be used to inform future policy development and reporting.

This research will run concurrently with the mainstreaming guidance consultation.

Recommendation 11

The Committee welcomes the Scottish Government's review of the guidance on mainstreaming and recommends that the review includes a systematic assessment of the processes outlined in paragraphs 69 to 88, including an assessment of the extent to which resources are impacting on each process. Resource limitations that are impacting on these processes include:

- the number of trained ASN teachers and ASN assistants,
- the availability of specialists including mental health specialists and educational psychologists,
- the level of resources supporting the ASN Tribunal process and other appeal processes, and
- the availability of spaces in special schools.

- 10 As indicated above the Scottish Government will report to Parliament on the implementation of Additional Support for Learning and will conduct research into the experience of those in and involved in the delivery of mainstream education. Scottish Ministers duties to report on the cost of provision of additional support for learning will continue, and they will continue to monitor this information, including in relation to staffing.
- 11 The Scottish Government has recently published the Mental Health Strategy which makes clear our commitment to a range of actions which support the provision of services to children and young people affected by mental ill health. In relation to educational psychologists, my officials have been working with the National Scottish Steering Group for Educational Psychologists to ensure a sustainable supply of educational psychologists to meet potential future needs. This includes work to improve the data available to inform future workforce planning decisions and to explore how training provision can continue to meet future needs. The group is taking action, including exploring training provision, to ensure a sustainable and regular supply of educational psychologists. I would advise the Committee that I have recently agreed that further exploratory work should be carried out around future models of training and options for financial support, in partnership with local authorities, for future students. I will provide further detail on this to the Committee in due course.
- 12 In relation to the number of places in special schools, Annex A to this document sets out information on the number of pupils learning within special schools in Scotland between 2010 – 2016. The Committee may wish to note that the number of pupils learning in special schools in Scotland has continued to remain broadly static. Whilst there has been a reduction in the number of special schools, the numbers of children learning in special schools has remained broadly the same.

Recommendation 12 and 13

Since approaching 1 in 4 children have a recognised additional support need, the successful provision of additional support for learning is integral to the success of Getting it Right for Every Child (GIRFEC). The Committee is concerned that parents from areas of deprivation may have lower chances at present to receive advice and support to ensure additional support needs of their children are recognised and the necessary support for learning provided. Given the emphasis in evidence on the importance of the parent pushing for support for their child, the Committee is concerned that this issue will disproportionately impact upon disadvantaged families and potentially have an adverse effect, namely widening the attainment gap between children with ASN in deprived and more affluent families.

The Committee welcomes the undertaking from the Cabinet Secretary to set out the criteria that the attainment gap will be assessed against by "the middle of this year [2017]". As supporting children with ASN is integral to closing the attainment gap, the Committee recommends that the Scottish Government analyses the extent to which a process that relies largely on parental involvement to have their child's ASN recognised and supported, could potentially widen the gap.

- 13 The Additional Support for Learning Act places education authorities under a wide range of duties. In summary, the fundamental duty within the Act is that education authorities must i) identify the additional support needs of the pupils for whose education they are responsible, ii) make appropriate provision to meet those needs, and keep those needs and the provision made to support pupils identified under review. Alongside those duties, young people and parents also have a range of rights. This includes the right to request assessment of additional support needs, and a number other rights which enable young people and parents to hold authorities to account in terms of their fulfilment of their duties.
- 14 Alongside this fundamental duty, education authorities have duties to provide information to those within their area about how they meet additional support needs. This information must be included within education authority information, such as their website, but also must be included within school publications, including the school handbook. Recognising that these measures alone may not mean that all parents may receive information, the Scottish Government also funds the national advice and information service for Additional Support for Learning, Enquire.

Enquire provide a wide range of information via publications including the parents' guide to additional support for learning, factsheets on specific issues which arise regularly, and a helpline where parents, carers and young people can seek advice and information on their specific circumstances.

Recommendation 14

The Committee also recommends that the Scottish Government increases the provision of advocacy services and looks at how these could be best targeted at raising awareness and supporting parents from areas of deprivation.

- 15 The Additional Support for Learning Act includes provisions on the need for advice and information, support for young people, parents and carers, advocacy and legal representation. These are separate functions under the Act.
- 16 As indicated above there are specific requirements within the legislation which are related to the provision of information and advice, and these are bolstered by the work of Enquire. Education authorities are also required to publish the contact information of a person within the authority who is responsible for additional support for learning and from whom young people, parents and carers can receive information and advice. For ease of use, this information is also drawn together by Enquire and presented within one place in their website.
- 17 The Act also makes clear that young people, parents and carers are entitled to a supporter in any meetings and discussions with education authorities, unless that is unreasonable. This may include a representative from an advocacy organisation.
- 18 Scottish Ministers are also required to provide an advocacy and representation service for those who are considering making a reference to the Additional Support Needs Tribunals for Scotland. This service is currently delivered in partnership between Govan Law Centre and Kindred Advocacy under the name Let's Talk ASN.
- 19 In light of the future extension of rights under the Act a children's service will also be established which will include, advice and information, advocacy support, legal representation and a service which will independently seek the views of children.

Recommendation 15 and 16

The Committee welcomes the undertaking from the Cabinet Secretary and recommends that the Scottish Government establishes whether there are deep-seated factors that are influencing the variation in these figures. Specifically, the Committee is concerned that additional support needs are going unrecognised in some education authorities more than others and that, in addition to parental involvement and resource limitations, the culture of the education authority, and some particular schools within authorities, is also a factor.

The Committee recommends that, once the raw data has been improved as a result of the Scottish Government working group's efforts, anomalies in these figures should be used as a basis to explore with individual authorities the basis for any inexplicably low percentages of ASN in their area. Information from the quality assurance review recommended above could also be analysed on an education authority by education authority basis to establish whether the patterns in parent, child and school staff experiences in these areas, specifically on cultural barriers to recognition, support the figures. The Committee would ask that, when the Scottish Government has established which education authorities are cause for concern, that the Government shares this information with the Committee so that the Committee can also seek to hold these authorities to account.

- 20 As indicated above the Advisory Group for Additional Support for Learning is in the process of considering an alternative reporting framework focussed on the outcomes of children and young people with additional support needs. This is being developed in partnership with the Association of Directors of Education. One element of the revised reporting framework proposed includes the satisfaction of pupils and parents with the support that they receive. The Scottish

Government will continue to collect, publish and monitor the statistical information and will include this information within any reporting.

- 21 I would remind the Committee of the letter from ADES and Cosla of 6 March 2017 which addressed the issue of variation in statistical data between authorities and other issues

"We note that the Committee identified a variation in the number of children and young people with ASN across local authority areas. Teachers and Head Teachers may use a variety of approaches to support the children in their schools and both COSLA and ADES are clear that a variation in approach does not mean a variation in the standard which children and families can expect from these committed professionals. Instead, it is instead a reflection of the different ways in which support can best be achieved according to local situation and circumstance."²

Recommendation 17

The Committee also recommends that the Scottish Government should undertake a financial review to ascertain the extent to which education authorities are spending in line with the level of need in their area, and identify any education authorities that have spends lower than their recognition rates might require. The Committee recommends that the Scottish Government undertakes this review in collaboration with education authorities as the Committee appreciates that authorities will have some valid explanations in relation to the disparities in recognition rates and in levels of spend per pupil with ASN. The financial review should be the starting point for Scottish Government discussions with education authorities on their funding allocations.

- 22 Although the money provided by the Scottish Government to local authorities is allocated using a needs-based formula there is no measurement of how much a local authority should spend on individual services, such as education. The vast majority of the funding provided is in the form of a block grant. It is then the responsibility of each local authority to allocate the total financial resources available to it, including funding for education, on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government's key strategic objectives and manifesto commitments.
- 23 Scotland's local authorities are independent corporate bodies and they are responsible for determining how they deliver local services and as democratically elected bodies they are accountable to their electorates, not Scottish Ministers, for their decisions. In view of this even if a suitable measurement of spend was available it would not be appropriate for Scottish Ministers to interfere in the spending decisions of the local authorities.

Recommendation 18

Inclusive education for those with additional support needs is "based on the premise that there is benefit to all children when the inclusion of pupils with special educational needs is properly prepared, well supported and takes place in mainstream schools within a positive ethos". The Committee would therefore welcome further analysis from the Scottish Government on how the education and ultimately the attainment of pupils in general is being impacted upon by insufficient resources being provided to support children with additional support needs. This should include any correlation between the reduction in specialist ASN staff in certain education authorities and overall attainment.

- 24 As indicated above, the Scottish Government has reported to Parliament on implementation of Additional Support for Learning in each year from 2011 to 2016. In each of those years there has been a continued rise in the qualifications achieved and the positive destinations and attendance of pupils with additional support needs. Ministers have also reported to Parliament

² Letter from ADES and Cosla to Education Committee 6 March 2017
http://www.parliament.scot/S5_Education/General%20Documents/20170306IN_Letter_to_EScommittee_From_Cosla_and_ADES.pdf

on the cost of provision and since 2013 this has included specific detail on additional support for learning. Since 2013 education authorities spend on additional support for learning has increased from £527m to £584m in 2015-16. This is in the context of increased spending by education authorities from £4.8bn to £4.96bn in the same period.

- 25 Scottish Ministers are required and will continue to be required to collect and publish information on the cost of provision of additional support for learning. We will continue to meet that requirement. If there are any findings about the experience of children and young people in mainstream schools we can consider those.

Recommendation 19

The Committee recommends that education authorities seek to collaborate more, including in respect of designing and delivering training in order to remove duplication of effort. The Committee will seek a response from Cosla and SLGP on this and other relevant recommendations, and will also highlight this report to all education authorities.

- 26 I understand that the Committee has written separately to Cosla and SLGP on this point.

Recommendation 20

In relation to initial teacher training, the Committee welcomes the undertaking from the Cabinet Secretary to highlight to the GTCS the Committee's concerns that combining post-graduate training with the probationary year, which is one proposal for change, will limit further the time available for trainee teachers to train in additional support needs. The Committee recommends that the GTCS takes this into account when assessing proposals from the colleges of education, produced in line with the Government's intention to "encourage more teachers to come into the classroom and get them there quicker".

- 27 On 15 June I published the Education Governance: Next Steps paper which includes a commitment to ensuring initial teacher education prepares students to enter the profession with consistently well-developed skills to teach key areas such as literacy, numeracy and health and wellbeing.
- 28 All programmes of Initial Teacher Education (ITE) are accredited and approved by the GTCS and their Evaluation Framework which is used in the process of accreditation, specifically asks the question about what is done in each programme to address additional support needs and these needs would include, for example, autism and dyslexia.
- 29 The GTCS will only grant accreditation if they are satisfied that the content of all the ITE courses that are brought forward to them by the universities are appropriate for a student teacher to be able to meet the requirements of the Standard for Provisional Registration (SPR). The SPR includes, among other things, a requirement to demonstrate an awareness of barriers to learning and an ability to recognise when to seek further advice in relation to learners who have additional support needs. The GTCS is not prescriptive about the number of hours of course delivery or student learning that should be allocated to each of the elements of the SPR, that is a matter for the university concerned.
- 30 Teachers' career-long contractual requirement to undertake continuing professional development provides further opportunities for them to augment what they have learnt during initial teacher education.

Additional Support for Learning

Number of pupils with Additional Support Needs – 2010-2016

	2010	2011	2012	2013	2014	2015	2016
Pupils with ASN	69,587 (10.3% pupils)	98,523 (14.6% pupils)	118,034 (17.5% pupils)	131,621 (19.5% pupils)	140,542 (20.7% pupils)	153,192 (22.5% pupils)	170,329 (24.9% pupils)

Number of teachers and teachers with ASL as their main subject 2010 – 2016

	2010	2011	2012	2013	2014	2015	2016
Teachers (all)	52,022	51,368	51,253	51,078	50,720	50,717	50,970
ASL Teachers	3,518	3,379	3,384	3,286	3,074	3,038	2,990

Number of support staff (who provide support to pupils with ASN, including teachers)

	2010	2011	2012	2013	2014	2015	2016
Staff supporting pupils with ASN	15,807	15,723	16,377	16,051	15,871	15,590	15,880

Breakdown of teachers and staff supporting pupils with additional support needs 2016

Breakdown of teachers and staff supporting pupils with additional support needs 2016					
Teachers employed in schools by main subject 2016					
Main subject	Primary	Secondary	Special	Centrally employed	Total per need
	2016				
Learning support	384	802	53	243	1,483
Additional support needs general	88	131	187	26	432
Additional support needs : behavioural support	15	81	57	59	212
Additional support needs : learning difficulties	90	159	284	74	607
Additional support needs : physical disabilities	0	4	11	19	34
Hearing impairment	6	25	9	33	72
Visual impairment	5	9	15	27	56
ESOL	2	4		87	93
Individual total per school sector	589	1,216	617	568	
Total per year	2,990				

Support Staff in schools					
Additional support needs auxiliary or care assistant	3,096	1,485	882		5,463
Behaviour Support	19	112	52		183
Classroom assistant	4,567	1,163	837		6,567
Home-school link worker	33	116	3	87	239
School nurse or other medical	7	35	6	19	67
Educational Psychologist				371	371
Individual total per school sector	7,721	2,912	1,779	478	
Total per year	12,890				
TOTAL	15,880				

Schools and pupils, by school sector, 2010-2016

	Schools				Pupils			
	Primary	Secondary	Special ⁽¹⁾	Total	Primary	Secondary	Special	Total
2010	2,099	372	163	2,634	365,326	301,007	6,800	673,133
2011	2,081	367	158	2,606	366,429	297,109	6,973	670,511
2012	2,064	365	155	2,584	370,680	293,562	6,976	671,218
2013	2,056	364	149	2,569	377,382	289,164	6,984	673,530
2014	2,048	362	145	2,555	385,212	284,762	6,981	676,955
2015 ⁽²⁾	2,039	361	144	2,544	391,148	281,939	6,920	680,007
2016	2,031	359	141	2,531	396,697	280,983	6,735	684,415

(1) Changes in number of institutions officially registered as separate schools do not necessarily signify a change in provision.

See background notes. From 2002 onwards, figures include schools managed by local authority social work services.

(2) 2015 primary school and pupil figures were updated in February 2016. See background notes for details.

Qualifications and Leaver Destinations for pupils with Additional Support Needs 2011/12 and 2015/16

In 2015/16:

- **63.2%** of 2014/15 school leavers with ASN left school with 1 or more qualification at SCQF level 5 or better. An increase of **13.1** percentage points since 2011/12.
- **85.6%** of 2014/15 school leavers with ASN left school with 1 or more qualification at SCQF level 4 or better. An increase of **6.1** percentage points since 2011/12.
- **88.6% of pupils** with additional support needs have a **positive destination** (82.3% in 2011/12) **6.3** percentage point increase.

Source: Attainment and Leaver Destinations, supplementary data