EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 30 May 2000
(*Morning*)

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EDUCATION, CULTURE AND SPORT COMMITTEE
19th Meeting 2000, Session 1

CONVENER

*Mrs Mary Mulligan (Linlithgow) (Lab)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
*Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
*Fiona McLeod (West of Scotland) (SNP)
*Mr Brian Monteith (Mid Scotland and Fife) (Con)
*Cathy Peattie (Falkirk East) (Lab)
Michael Russell (South of Scotland) (SNP)
*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)
*Nicola Sturgeon (Glasgow) (SNP)

*attended

WITNESSES

Ms Pauline Bierne (Yorkhill NHS Trust)
Mr John Bissett (Scottish Executive Education Department)
Dr Linda de Caestecker (Greater Glasgow Health Board)
Ms Joan Fraser (Scottish Executive Education Department)
Dr Mike Gibson (Scottish Executive Education Department)
Mrs Lynda Hamilton (Yorkhill NHS Trust)
Mr Bryan Kirkaldy (Association of Scottish Principal Educational Psychologists)
Dr Ian Liddle (Association of Scottish Principal Educational Psychologists)
Mr David Miller (Scottish Executive Education Department)

CLERK TEAM LEADER

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education, Culture and Sport Committee

Tuesday 30 May 2000

(*Morning*)

[THE CONVENER *opened the meeting at 09:40*]

The Convener (Mrs Mary Mulligan): Good morning, everybody. We are a little thin on the ground at the moment, but we hope that other members of the committee will join us soon.

Item 1 is to get the agreement of committee members that we take item 5 in private. Is that agreed?

Members *indicated agreement.*

Special Educational Needs

The Convener: Item 2 is the beginning of evidence taking on our special educational needs inquiry. We have several witnesses this morning. I welcome those who are already at the table and apologise for the delay in getting started.

As usual, we will ask witnesses to say a few words at the beginning. I will then open it up to members of the committee for any questions that they have. I believe that Ms Fraser will introduce the rest of her team.

Ms Joan Fraser (Scottish Executive Education Department): Good morning. My colleagues are: Dr Mike Gibson, who is HM inspector of schools adviser on special educational needs; Mr David Miller, who works in the special educational needs branch of my division; and Mr John Bissett, who also works in the special educational needs branch.

The Convener: Thank you. Do you want to say a few words?

Ms Fraser: We produced written evidence for the committee at the end of March. We were asked this morning, if I understand correctly, to speak to the memorandum, expand on the points that we made in it and provide an update on developments since then, of which there have been quite a few.

In the "Inclusion" section, the Executive made a commitment to include in the Standards in Scotland's Schools etc Bill, which was discussed in the committee recently, provision aimed at establishing a framework against which decisions can be taken about the best possible outcome for each child with special educational needs so that the decisions about the education that they receive ensure that they get the best possible educational experience.

We have also made a commitment to review guidance on recording and assessment. The advisory special educational needs forum, which has been set up under the chairmanship of Peter Peacock, has identified that as its first priority. We are aware that there are concerns about the assessment and record of needs process and that the system for doing that is overdue a thorough review. The forum will tackle that matter as its first piece of work.

We have also addressed some of the specific issues that came up in the context of the Riddell committee. We have put some new provisions in section 37 of the bill in relation to children who are too ill to attend school. We have also included the need to consider the views of children and young people when making decisions. We have commenced a review of speech and language therapy provision, and we are considering the length of the school week in special schools.

09:45

As I said, the forum has been established and had its first meeting on 28 March. One particular issue that it considered was the draft section on mainstreaming, which was subsequently lodged as an Executive amendment to the bill. We undertook extensive consultation with forum members, and made some changes to take account of their contribution.

At the forum, we also agreed a remit, which is as drafted and which has been published, and a work programme. As I have said, the first priority will be records of needs. However, the forum identified a number of other issues which required its consideration. A programme was drawn up following that last meeting. The next meeting takes place on 6 June.

We have given further consideration to the transitional arrangements for grant-aided special schools. Ministers announced some time ago their decision to phase out Government subsidy for those schools, and published arrangements as to how that should be done. The schools felt that the time scale for that was rather short, and ministers agreed to consider the matter. That is what we have been doing. We have consulted all the schools concerned, and have taken their views into account. Ministers are very close to making decisions about revised transitional arrangements, to allow the schools time to adapt to the new status.

There have been two recent reports on transitions. One was the Beattie report, the response to which is currently being considered by ministers. There is also the review of services for children and adults with learning disabilities, which has now been published. A related action plan is being worked up.

Disability discrimination is to be covered by a UK piece of legislation, which is intended to implement the education recommendations of the disability rights task force. The intention was that there should be early legislation on this in the UK Parliament—it is a reserved matter—and that it would be combined with proposals for special educational needs legislation for England and Wales. That combined piece of legislation has been somewhat delayed because of pressure on the legislative timetable in Westminster, and it now seems unlikely that it will be introduced this session, although there is a firm commitment to do so as soon as possible. UK ministers are still considering the matter.

That concludes what I hope was a fairly brief summary of the issues raised in our memorandum.

The Convener: Thank you. That was helpful. I would now like to take questions from the committee. If members wish to refer their questions to a specific witness, or if other witnesses wish to chip in, please indicate.

Cathy Peattie (Falkirk East) (Lab): Thank you for your presentation, Joan. It was very helpful in bringing us up to date.

You said that our record of needs was high on the agenda. I am very pleased to hear that. Can you tell me some of the other issues which people feel are important and which will be discussed at the next meeting of the forum? I would like a flavour of the issues.

Ms Fraser: I have with me the draft programme of work. It has not yet been approved by forum members, but is for consideration at our next meeting. Record of needs is the top priority but, as was flagged up in the Riddell committee, inter-agency working is another area that needs early attention. In the June meeting of the SEN forum we will consider how we can improve inter-agency working.

The issue of specialist qualifications for teachers is being examined as part of the review of the “Schools (Scotland) Code”. It is likely to be taken up by the forum—not in the June meeting, but in the following meeting in the autumn, once the responses to the consultation on the code have come in. The forum also wants to consider how it can hear the views of children and young people. In a couple of recent exercises, the views of children and young people have been taken on board, and we hope to build on that experience.

The issue of the length of the school week in special schools has been around for some time, and ministers have made a commitment to produce guidance for local authorities. The ministers’ view is that the school week in special schools should be the same as in other schools. The intention of the guidance is to assist local authorities that do not have such a system in place to do so. We will seek an input from members on the forum on the drafting of that guidance. That work is likely to start at the June meeting and continue into the autumn.

There are a number of other issues that I could talk about, but—

Cathy Peattie: No, that was helpful, thank you. The areas that you have talked about were the ones that I was interested in. Is the recruiting of enough special needs teachers a problem?

Dr Mike Gibson (Scottish Executive Education Department): The issue is not so much the recruiting of special needs teachers as the qualifications of special needs teachers. From time to time, people raise the issue of the level of pre-service training for teachers. Some teachers complain about the lack of time that is devoted to special needs during pre-service courses. That is more of an issue for a secondary teacher, for whom the course lasts one year, than it is for a student who is taking a course to become a bachelor of education. However, even the latter would say that not enough time is devoted to dyslexia or to other conditions that teachers might expect to meet in the classroom.

Cathy Peattie: Teachers have told me that they felt that there was not enough time and that there were not enough people to deal with these issues. That is why I wondered whether there was a shortage of teachers.

Ms Fraser: With the emphasis on mainstreaming, we are clearly aware that teachers will need more support in dealing with children with special needs. We will be considering that as part of the continuing professional development programme.

Cathy Peattie: Do you agree that, no matter how good they are, a lot of special needs teachers feel quite isolated in their work?

Dr Gibson: That can be the case in a mainstream school; it is less of a problem in a special school. The peripatetic teachers who go into mainstream schools to support pupils are the ones who are most likely to feel isolated.

Cathy Peattie: I am interested in the appropriate methods of speaking to and involving children. It is also important to consider the parents of children with special needs, who often say that people do not listen to them and that they are seen as being neurotic or whatever. Those parents are the ones who care for the children when they are not at school. Are you considering mechanisms that will allow you to listen to parents and to involve them in the decision-making process?

Ms Fraser: I am not aware of any specific plans, but we have set up Enquire to help parents to find their way through the system and to provide them with support as they aim to get the best possible arrangements for their child.

Cathy Peattie: What parents say to Enquire is that they are not getting enough information at local level. They feel frustrated that they are not getting the kind of support that they need. Enquire is a great resource, but it does not replace good support and information at local level.

Dr Gibson: There is the parents guide and there is information supplied centrally by the department, which contains lists of special schools and mainstream schools that make provision for special needs. Through the manual of good practice, local authorities have been given advice on how to involve parents in decision making, which we see as extremely important.

Cathy Peattie: Are there ways of monitoring how successful that is?

Mr John Bissett (Scottish Executive Education Department): Enquire exists to help local information providers—to liaise with people at local authority level. We have asked Enquire to examine how conflicts that arise between parents and local authorities might best be resolved. Enquire will undertake four pilot mediation projects. We hope that good practice from those projects will be disseminated across authorities.

The Convener: Could you say what the pilots are?

Mr Bissett: I am yet not aware where the pilots will take place. Enquire has still to finalise them.

Mr David Miller (Scottish Executive Education Department): A number of local authorities have already agreed to participate in the pilot projects. We have now to decide which four authorities would give us the best spread.

The Convener: You raised the issues of the length of the school week and dyslexia, and I will come back to those. Fiona McLeod would like to ask a question about consultation.

Fiona McLeod (West of Scotland) (SNP): There are also other issues that I would like to take up. We are all very aware that in a week's time the bill will, we hope, make the presumption to mainstream. You spoke about consulting parents, but the bill gives parents the right to be involved and consulted at local authority level and school development plan level. How is the department preparing for the fact that all parents, including parents of children with special needs, will have that right? You talk about four pilot projects, but you do not yet know where and when they will happen. These things are going to happen very soon. How is the department gearing up for the fact that we will soon be mainstreaming?

Ms Fraser: We are very aware of what is about to happen. One of the reasons that we set up the forum, on which parents are represented, was so that we would have a body of advice to help us think about the systems that we will need. The emphasis is on a child-centred approach. Undoubtedly, that must include a contribution from parents.

Fiona McLeod: You said that the forum has been involved in a couple of events at which young people were consulted. Could you expand on that? What expertise have you enlisted to help you consult with young people? Could Save the Children's toolkit for consultation with young people be adapted for use with young people with special needs?

Ms Fraser: You may have misunderstood me. I said that there were already a couple of examples of the views of children being sought, but they were not part of the work of the forum. They happened in other contexts and involved using the Save the Children toolkit to take views. One was in connection with section 2A and the other was in connection with consultation on the Standards in Scotland's Schools etc Bill. Those consultations seem to have been successful, and we hope to build on them.

Fiona McLeod: So the examples that you have cited do not relate to consultation specifically with children with special needs?

Ms Fraser: No.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I would like to follow up on an issue that has already been raised. In the last paragraph on the first page of your submission, entitled, "Overview of policy on special educational needs", you state:

> "What is important is the quality of education which pupils receive. The inclusion of a presumption of mainstream schooling will not therefore hold if this is not in the best interests of the child."

Who determines what are the best interests of the child? I know that a lot of people are involved in it, but who ultimately decides?

Dr Gibson: It is expected that some sort of multidisciplinary forum would examine the special educational needs of the child. The authority and the parents would arrive at a decision on what is in the child's interests, taking account of the child's views. That system is very similar to the one that is in place at present.

Ian Jenkins: When there is no agreement, will it be up to the local authority to decide?

Dr Gibson: It is up to the Scottish ministers to decide what sort of appeals procedure should be in place to resolve disputes. That might be a legal procedure or, in the first instance, some sort of mediation. The latter is what we would like, rather than a formal appeals mechanism.

10:00

Ian Jenkins: Sure. Therefore, it would ultimately be up to an arbiter to decide, for example, whether the costs were disproportionate. Most people recognise that the process cannot be open-ended. However, in earlier discussions, people were a wee bit worried about who decides whether the costs are disproportionate.

I am interested in what mainstreaming means in practice. I taught in a school in which there was a unit for children with special educational needs. Is the fact that children attend high school X, which has a special educational unit, enough to say that they are being educated in the main stream? Schools can try hard to integrate children with special educational needs, but is it recognised that there will still be a special bit of the school where teachers who are trained in SEN requirements will be centred?

Dr Gibson: The ministers are looking for a diversity of provision, to allow choice. They want to ensure that a good quality of education is delivered to the youngsters who have special educational needs. They recognise that there will be different ways of arranging for that provision to be made. One will arrange for the type of provision that you have just described, in which a unit is attached to a mainstream school and children are mainstreamed according to their individual needs. In other situations, youngsters with special educational needs will be completely in the main stream, as they are at present. The Scottish ministers also foresee a role for special schools. The idea of having a range of provision is to try to match the provision to the needs of the child.

Ian Jenkins: I have said before that I am a wee bit worried about the special schools losing viability when the number of children attending them falls and their funding is revoked. If they do not survive, there is no appropriate provision for the children for whom a special school would be the right place.

Dr Gibson: We hope that the expertise that exists in the special schools would not be lost, and that the teachers from those schools could support youngsters in the main stream if there is a reduction in the number of special schools. It would be logical for staff from that experienced pool to enter mainstream schools to support the pupils.

Ian Jenkins: The ordinary teacher in the classroom is happy to welcome children with special educational needs if they receive the right support. I have taught youngsters with special educational needs, and know that it can be life-enhancing. It can also be good for the other children in the class, and works well if the proper support is provided. A figure of £12 million has been allocated for that kind of integration, but I wonder where that figure came from and whether it will be enough. How was that figure of £12 million arrived at? Was it arrived at following an assessment of need, or was it all that could be afforded?

Mr Bissett: It was agreed by ministers. Authorities incur costs by ensuring that children with special needs are included in mainstream schools. The money that is going into staff training has doubled in the past year. Many more teachers are now able to undertake training to help youngsters to be included.

The Convener: You raised the issue of the lengths of the school day and week. Could you explain why you think that they need to be reviewed? Are you also considering the lengths of terms and holidays?

Ms Fraser: In some local authorities, special schools have a shorter day and week than mainstream schools. That issue was examined by the Riddell committee, which concluded that there was no justification for the practice. Ministers accepted that view and said that they expect all special schools to move towards the full length of day and week. That might not be a suitable arrangement for some children, for whom special arrangements would have to be made. The norm, however, would be the standard school week and school day. If that were not the case, we would not be providing equality of opportunity.

We have said that we will provide guidance to local authorities about how they carry out the change. Some have already moved to a standard school day and school week. We hope to draw on their experience in writing the guidance. We will also draw on the expertise of forum members.

The Convener: Would it be the responsibility of the local authority to decide on the length of the school day and the school week?

Ms Fraser: The presumption would be that the length of day and week would be the same in every school.

Dr Gibson: There is no statutory provision for the length of the school day in a mainstream school.

The Convener: Have you considered the length of the terms? Parents and teachers have said that the long summer holiday can work against children with special educational needs.

Dr Gibson: That is for the ministers to consider. Some local authorities run an extended school year for youngsters with special educational needs to address that problem.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I did not think that the answer to Ian Jenkins's question was clear. He asked whether having a special unit in a mainstream school would count as mainstreaming of youngsters with special needs. Could you give me a shorter answer to that question?

The convener asked about a standard school day. Will allowance be made for the fact that different local authorities have different lengths of school day and, in some cases, asymmetric weeks? Will there be some allowance for travel arrangements, as such arrangements are often quite different for special schools? For example, I know of at least one special school that uses travelling as part of its education to show children how to make their own travel arrangements.

Dr Gibson: You asked about units. There could be a range of types of inclusion or integration. At one end, a youngster with special needs might be totally included in the mainstream class in the mainstream school. There might then be a reduced level of mainstreaming, with the youngster in a unit—we have statistics on youngsters spending a third or two thirds of their time in the unit. A youngster spending two thirds of his or her time in a unit is obviously not as included as a youngster who is mainstreamed. The authorities would presumably argue that they were adjusting that provision to meet needs.

On the length of the school day, the Riddell committee noted that the length of school week was 25 hours in primary school and 27.5 hours in secondary school. However, the majority of special schools have a 22.5 hour school week, which represents a significant difference, particularly at secondary stage. It is difficult to deliver a secondary curriculum with five hours fewer in the week; that is the equivalent of one and a half standard grades. The situation has significant implications for the quality of education that we can offer.

The authorities that offer asymmetric weeks should not find this a problem; they would have their special school week running alongside their mainstream school week. Indeed, youngsters in units attached to mainstream schools might have the same length of school day as other youngsters in those schools. However, we are concerned that two youngsters with the same special educational needs might spend different amounts of time in school.

Travel is an important issue. The example of helping the child to learn how to travel independently was very appropriate; such teaching contributes to the child's personal and social development. However, the issue becomes more difficult when the youngster spends time sitting in a bus or taxi being transported to and from school. People who support the 22.5 hour school week would argue that such a week is shorter to take account of the travelling time. However, if we equate educational time with travel time, there is a penalty to pay in a child's education. Unless the time spent travelling is productive in the way that has been described, it should be questioned—indeed, that was one of the issues that the Riddell committee considered.

Mr Monteith: I am happy with that explanation. Although I have no strong view on the argument on travelling time, it strikes me that five hours in the secondary school week is equivalent to half an hour's travel at the beginning and end of the day. The issue bears examination and I welcome any review.

On Friday, I visited a school in Bridge of Allan. When the school was established, there was a regional structure that meant that it was appropriate to locate the school in the town. However, the school now finds that its main centre of custom for special educational needs is Falkirk; as a result, children are taxied from Falkirk early in the morning to make sure that they get to school. Such difficulties need to be addressed.

Fiona McLeod: I have a more general question about mainstreaming. The presumption behind mainstreaming is that every child, including those with special needs, will achieve his or her potential. How do you intend to evaluate that achievement? Will HMI inspections take it into account? Will there be guidance? Will the criteria be changed to acknowledge the fact that special-needs children must also reach their potential within a mainstream setting?

Dr Gibson: As you know, we have an extensive setting targets initiative, which applies to all Scottish schools. It applies to special schools and to youngsters with special educational needs in mainstream schools. We want to establish systems that will ensure that youngsters with special needs achieve their full potential. We have given education authorities and schools advice about individualised educational programmes. We see those as one vehicle for ensuring that the youngsters achieve what they are expected to achieve. That will require setting targets for youngsters and monitoring whether they achieve those targets. It will involve standing back and examining, at whole-school level, how youngsters with special educational needs are achieving in relation to the targets that have been set. Evaluation is critical.

10:15

Fiona McLeod: Last week I was at a special school, where I saw some of the individualised education programmes. They are incredibly detailed, which makes them useful for individual children. How will we achieve the same detail in a mainstream setting? I presume that we will have to achieve it. When an HMI inspection of a local authority takes place, will schools have to set targets to ensure that each child with special needs has an IEP?

Dr Gibson: It would be open to the inspectorate to carry out an audit of special educational needs to see how an education authority was providing for youngsters with special needs in both special schools and mainstream schools. We have given schools detailed advice on how to set up individualised educational programmes. We are running a project to set up a website, from which schools will be able to download templates to help them to create IEPs. In inspections, we will be examining the provision that is made for children with special educational needs. We will certainly comment—as we do now—on individualised educational programmes.

We envisage youngsters with significant special educational needs in mainstream schools as having IEPs. We would expect teachers to have a clear idea of what other youngsters with slightly less significant special needs are expected to achieve. That applies to all youngsters, not just to those with special educational needs.

Ian Jenkins: You were coming on to the issue that I wanted to raise. I am interested in where special educational needs and specific learning difficulties merge into each other, and in the indeterminate area between health and psychology and education. Last Thursday we had a debate—which, unfortunately, I had to leave early—on dyspraxia. What are the department's views on the way in which such conditions are assessed and on the need for good practice to be disseminated? All over the country there are teachers who are unable to identify these conditions or who do not know what to do about them.

I did not hear what the Deputy Minister for Community Care said at the end of the debate—he may have clarified things—but it is important that we have guidance for dealing with dyspraxia, dyslexia, myalgic encephalomyelitis and other conditions where there is uncertainty about diagnosis and best practice. That guidance not only should be given to local authorities and educational psychologists, but should get down to the classroom, so that people can know what they are looking at. I know that some of these conditions cannot be cured, but there are strategies for coping with them. They should be outlined in a clear programme for teachers.

Dr Gibson: We have given detailed advice to education authorities—in terms of circular 4/96 on assessment and recording—in the HMI report "Effective Provision for Special Educational Needs", which sets out stages of assessment, and in the "Manual of Good Practice". All that advice suggests a staged approach to assessment. You may not want the details of that—you may already know them—but, if the classroom teacher feels that there is a problem, they are asked to discuss it with the head teacher, the learning support teacher and the parent. If that does not resolve the issue, they can go to someone outwith the school, in many cases an educational psychologist or a speech and language therapist. They would try to get advice from other professionals while building up the assessment and the information needed about the youngster. In the case of dyspraxia, for example, an occupational therapist would be involved.

It is difficult for the classroom teacher to understand all the issues and we cannot expect them to. However, we ought to be able to expect them to have access to other sources of support that can give information and enable them to draw up programmes to help the youngsters concerned. For dyspraxia or dyslexia, we would expect that teachers would have support from specialists who would help to assess the child, give advice, provide an individualised education programme—if the child required one—and monitor the child's progress.

Ian Jenkins: Would you accept that the experts are thin on the ground? Educational psychologists are hard to find in a hurry.

Dr Gibson: Yes—it is no secret that there are issues about the demand and supply of educational psychologists.

The Convener: Are you happy to say that teachers who thought that a child was having difficulties would know where to go for assistance?

Dr Gibson: There is no shortage of advice about what teachers ought to be doing if they feel that there is a difficulty. Teachers know that the first point of contact must be the head teacher or senior staff in the school, as well as guidance or learning support in a secondary school. Thereafter, the school management should know which external agencies to approach. We feel satisfied that the systems are in place, but we take the point that there can be staff shortages from time to time, which can lead to delays in assessments. The system exists and staff should know what is expected. Most authorities have policies for the assessment of pupils with special educational needs and schools should be well aware of those policies.

The Convener: We constantly hear the complaint that dyslexia is picked up too late. Are there improvements that would enable teachers to identify dyslexia at an earlier stage?

Dr Gibson: Again, a lot of advice is available. We have funded the Scottish Dyslexia Trust, which has run a lot of courses; it is based at Moray House but has tutors throughout the country. We have given a lot of support to enable teachers to become more skilled in identifying dyslexia. Learning support teachers in schools or in peripatetic outreach services should have the expertise if the class teacher is uncertain.

Mr Miller: As part of the support programme for in-service training, local authorities submit a training programme to the Executive. It is our intention in responding to those programmes to encourage authorities to concentrate on such areas.

Cathy Peattie: I hear what you are saying and I am pleased that you are looking at the issue, yet I am sure that I am not the only MSP with a list of people who say that they are not getting the support that their child with dyslexia needs in terms of scribes and computers; some of them do not even get any recognition that their child has learning-support needs. Parents often feel that they are banging their heads against a brick wall; it is difficult for them to ensure that their child gets what they require. How do we create a situation where a parent has somewhere to go?

My concern is those parents who give up because they are convinced that their child must be stupid. My frustration is that, even though measures are in place and we are looking at the issue, a number of children in certain areas slip through the net. I want to stop them slipping through the net. What can we do to work with those children and their parents?

Dr Gibson: We can do two things. One is to make sure that parents are empowered—that they know what their rights are and whom they can approach for help. The other side of the coin is to ensure that authorities are carrying out their duties to support parents. At the moment, if parents feel that their child has significant special educational needs and that a record of needs is appropriate—I know that there are difficulties with records of needs—they can ask for the type of multi-disciplinary assessment and continuing review that the record provides. If it is felt that the authority is not going to provide the record, parents can appeal to the Scottish ministers.

Cathy Peattie: Only some parents would appeal to the Scottish ministers. A lot of parents would give up.

Dr Gibson: You may have a point, but we are keen to ensure that parents are aware of their rights. Through the recently launched parents guide to special educational needs, we want parents to be well informed about what they can do and about what their authority is obliged to provide. For example, we want them to have access to their authority’s policy on special educational needs.

Mr Miller: Information is the key to the problem. As Dr Gibson said, the parents guide is crucial; the national independent telephone helpline is crucial; and the various fact sheets that Enquire is producing will be crucial. As part of the review of the recording process, the forum may also want to look at how parents can be properly brought in to the process at the earliest possible stage.

Ian Jenkins: The other side of the coin is that there are times when schools and local authorities wish to help children but for various reasons parents are unable or unwilling to recognise that their children need extra help—they may feel that it is a stigma. The school may wish to help, but there is a reluctance to receive that help. Further down the line, people realise that that has been a mistake, and scribes and support are looked for rather late in the day. There is a partnership, and parents are not always the ones who know best.

Cathy Peattie: You are defending teachers again.

Ian Jenkins: Yes I am, but it is right to do so in this case.

Mr Monteith: I have no doubt, hearing Dr Gibson’s comments, that as an agency of government his department is keen to ensure that parents have information and access to the record of needs. However, in the investigations that I have undertaken so far, I have found that the record of needs is a bone of contention.

Do you think that a conflict of interest could arise from the fact that the local authority provides the record of needs? An example that was made known to me involved a parent who had been told that the local authority, in carrying out its duty on record of needs, could meet the educational requirements. However, it turned out that, to meet that requirement, the child had to travel to at least three different schools in a week. The local authority did not make available information showing that there was a special school that could provide everything that the child needed, which would have avoided all the change to routine, travelling and so on. Is it possible that there is not only a difficulty in accessing the record of needs, but a self-interest on the part of the local authority, which may wish to direct children to its own provisions?

10:30

Ms Fraser: I cannot comment on the specific case that you mention. Local authorities have a duty to provide adequate and efficient education for all children. In the case of children with special educational needs, we are making it clear that the emphasis is on mainstreaming, but that that might not always be appropriate. The local authority has a duty to provide the best education for a child that it can provide. If it is not doing so, it is failing in that duty.

Mr Monteith: Would there be a conflict in its meeting that duty to provide the best education if the record of needs was carried out by a separate agency? The agency could state what was required and could present the various ways in which that could be met. Some elements would be provided by the local authority; some would not. The local authority would still be meeting its duty if the parent and local authority agreed that that was the route to take.

Dr Gibson: I think that you are coming close to an important issue about the record of needs: the appeals procedure. In Scotland, parents cannot appeal against the measures that the authority proposes to put in place to meet the child’s needs. In England, parents can do so through a tribunal. That is an important difference.

The Convener: I will ask a final question, which is about grant-aided schools. You say that they are in transitional phase at the moment—the intention being to overcome what were regarded as difficulties—and will be moving towards more locally funded arrangements. Could you comment on the transitional phase and on how it is progressing, and could you also say how you think the schools will continue once they have moved to their new status?

Ms Fraser: Last year, ministers announced their intention to phase out grant aid to the grant-aided special schools. The transitional arrangements gave rise to some concern, largely because the schools felt that the change was going to happen too quickly for them to adapt. Ministers said that they would undertake a further round of consultation with the schools to consider ways in which to alter the transitional arrangements.

That process is now almost completed. We have spoken to all the grant-aided special schools and have discussed with them the modifications that might be made to the transitional arrangements. Ministers will shortly consider what those transitional arrangements ought to be, with the intention that, by the end of the transitional period, the schools will be equipped to operate independently of Government subsidy.

The Convener: How would any children attending those schools be funded?

Ms Fraser: The intention is that the resources currently provided to the grant-aided special schools—about £7 million a year for seven schools—would, over a transitional period, be provided to local authorities. At the moment, the Executive effectively provides subsidy funding. The Executive tops up what the local authorities provide by way of a less-than-cost fee to meet the full cost of the school. Eventually, following a transitional period, all the money will go to local authorities, which will then pay the full cost, but they will have been given additional provision by the Executive to do so.

The Convener: Do you foresee some local authorities being overburdened because, for example, parents move there to be near certain schools?

Ms Fraser: I am not aware that parents do that at present, so I am not sure that we envisage their doing so in future. We expect that the grant-aided schools will become independent special schools, of which there are already quite a number in Scotland. I am not aware of any clustering effect around the independent schools.

Mr Monteith: I was interested to hear the money going to grant-aided special educational schools described as subsidy funding. Would not it still be subsidy funding if the funds were taking a different route, through the local authority?

Ms Fraser: In that respect, you might argue that the Executive subsidises all children where resources are provided to local authorities.

Mr Monteith: That is why I was curious about the use of the term.

Ms Fraser: Funding for children going to special schools would go through the same route as funding for children going to mainstream schools.

Mr Monteith: Does the Executive recognise that educating children in special schools is generally more expensive than it is in mainstream schools?

Ms Fraser: That is generally accepted, but it does not figure in the reasoning. The reason that ministers decided to phase out funding of grant-aided schools is that, over time, attendance at those schools has become far more local. In some cases, a very small proportion of the children at those schools is drawn from outside the surrounding area. In no sense do any of the schools offer national provision. None of them draws more than half its children from outside the immediate area. Because there is now much more emphasis on the importance of the family for the children and because of what we were saying earlier about travelling, it is seen as much more important for children to go to a school that is as close as possible to their home. All those factors were considered by the Riddell committee and influenced its recommendation, which ministers accepted, that grant-aided schools should be phased out. This is not an issue of cost.

Mr Monteith: I am interested in your line of argument about national schools and local provision. We will no doubt explore that further. Have you come across any evidence that schools that could be considered to be local, such as the Royal Blind School in Edinburgh, are meeting a national need, because people relocate so that their children can go there? I have found instances of people who, rather than having their children go to the school from Aberdeen or even England, move to Edinburgh; the children therefore attend the school locally. The only reason that those people moved is that what they see as a national institution is located in Edinburgh.

Ms Fraser: I have not seen any evidence of that.

The Convener: As there are no further questions, I thank the witnesses for answering our questions. We will take a break for a couple of minutes.

10:38

Meeting adjourned.

10:45

On resuming—

The Convener: I welcome Dr Ian Liddle, who is from the Association of Scottish Principal Educational Psychologists. I ask him to introduce Mr Kirkaldy.

Dr Ian Liddle (Association of Scottish Principal Educational Psychologists): Thank you, convener.

My name is Ian Liddle and I am principal psychologist in Stirling Council's psychological service. At present, I am chair of the Association of Scottish Principal Educational Psychologists. As members know, educational psychologists' major remit concerns children with special needs across the board, including children who have records of needs.

May I introduce Bryan Kirkaldy, who is the principal educational psychologist in Fife Council. When we came in, he was billed as Bryan Kinghorn—an understandable mistake. He is glad that he was not billed as Tommy Cupar. [*Laughter.*]

Bryan is currently on secondment within Fife Council with a quality assurance remit, but he was the main author of the paper that we submitted to the committee and I will ask him to introduce it.

Mr Bryan Kirkaldy (Association of Principal Educational Psychologists): Good morning. We appreciate the opportunity to give evidence today—we have looked forward to this for some time.

In the 20 years since the Education (Scotland) Act 1980 became law, it is fair to say that there has been significant social, educational and political change in Scotland. In our view, that change has made the 1980 act anachronistic in the context of present day Scotland.

I want to talk about two issues that relate to our paper. First, I will give a critique of the 1980 act and secondly I will suggest some potential ways forward that the committee may wish to consider.

The identification and assessment procedures that are undertaken in relation to what we call special needs by local authorities, parents and other agencies have improved significantly over the 20 years since 1980. The effect of that improvement has been to make us think about an expanding population of people with special needs. Most people would accept that up to 20 per cent of the population of young people may have special needs at some point. The terms that are associated with that expansion in the concept of special needs include dyslexia, dyspraxia, attention deficit hyperactivity disorder, autism, Asperger's syndrome and so on.

We are required to think about a different model of approach, as the assessment model on which the 1980 act is based has its origins in the previous ascertainment model. That previous model considered that 1 or 2 per cent of the population of young people had special needs, so there was a planning assumption that that 1 or 2 per cent would probably be educated separately from their community.

The main problem with the current legislation is that it is non-inclusive; to some extent, one could argue that it is anti-inclusive, as it assesses an arbitrary fraction of the population separately from the rest of the population. The legislation is not part of a universal framework for all children and, in that sense, it is anti-inclusive.

The legislation also does not reflect a children's rights, or children's entitlement, framework. In that sense, the Education (Scotland) 1980 is out of sync with the Children (Scotland) Act 1995 and will be out of sync with the Standards in Scotland's Schools etc Bill when that is enacted. A third problem with the current record of needs legislation is that it is child-deficit focused; it does not consider strengths and opportunities.

A further problem is that because the legislation is designed on an assumption of 1 or 2 per cent need, the assessment processes are dislocated from schools and are carried out at authority level. Those processes are adversarial because of the roots of the legislation, which lie in the situation where education authorities were assessing children to be educated separately. That led to an adversarial relationship between many families and the education authorities. As the assessment procedures are unnecessarily adversarial—we have consensus with the vast majority of families with children with special needs—they are cumbersome and time consuming. It can take six months to a year to reach an outcome. That is not best practice in the context of schools and education authorities.

Our general contention is that, as a consequence, children who are known as having special needs have remained marginalised in the education system. The legislation constrains best practice and the delivery of better services to children and families. The practice has outgrown the 1980 act and there are evident tensions between Her Majesty's inspectors of schools and local authorities in that respect. Many authorities whose practice has outgrown the 1980 act are being penalised by some aspects of the school inspections, which is a problem. However, the fundamental problem with the current legislation is that the planning assumption on which it is based is one of separate education provision for children with special education needs.

We welcome the presumption for mainstreaming, which is an important step, but that presumption, although necessary, is not sufficient. We need a more comprehensive approach to the way in which we consider children who require additional help. The impact of legislation must be systemic. It must be supportive of the development of inclusiveness at school level and at authority level. The impact of legislation must not be individualised; we should not suggest to parents and children that they have greater rights and access to provision, if that provision is not developing in tune with the expectation. The big risk with simply introducing a presumption in favour of mainstreaming is that we will create a tension between family and child expectation and the development of provision for them.

We need legislation that will develop minimum standards of inclusiveness at school and authority level and that will support that development. The development is already under way, but there are resource implications for that, both nationally and for local authorities. If we work from the basic concept of inclusiveness—the Beattie report was founded on that idea, which has gained widespread support—we would deal with the need for an entitlement framework or children's rights framework as the basis for future legislation. Whatever happens, the impact must be systemic and we should encourage whole-school approaches to assessment, identification and response.

In most authorities in Scotland, we already have individual educational planning at school level. We also have personal learning plans, for all pupils, associated with new community schools. We look towards a universal system of assessment that builds on what is provided for every child, and is more detailed for children who require more detailed consideration. There should be a more continuous approach, rather than a discontinuous approach that treats one fragment of the population as inherently different.

For the same reason, I suggest the introduction of a concept of educational need rather than special educational need. The concept of educational need implies a continuum, and the introduction of such a concept would be more inclusive. At the moment, there is an ambiguity that leads us to shy away from describing children whose family and care circumstances make their educational experience problematic as having special educational needs. The connotation of special educational needs is one of inherent child deficit. However, a concept of educational need would be inclusive of the large and significant population that is currently excluded. For example, children who are travellers, or for whom English is a second language, would be included in that wider, universal concept.

We suggest that further legislation should consider outcome accountability—that is, how successful educational authorities and schools are. At least three levels of outcomes should be considered. At the level of the individual child, the participation and success of that child would be considered; centrally, that would include the child's own view. At the level of the parents, parents' satisfaction rates and parents' views—of the experience that is being offered to their children and of the success that the child is having—would be measured. At the level of the school, there should be some measure of the school's inclusion rate according to the population that it serves.

We think that there is value in considering pooled streams of funding among councils and health services in relation to the population of young people. In our view, it is not sufficient simply to encourage education authorities to talk to health services; there are circumstances in which pooled funding and a common financial commitment are necessary to support children. Ideally, legislation should have a systemic effect at council level on the strategic policy development; that ties in with some of the comments in the previous discussion.

Legislation should also impact at whole-school level. I will give an example of what I mean by that. The example is from my own council area, but it will be replicated elsewhere; it concerns dyslexia. It is fair to say that, six or seven years ago, the education service in Fife had not come to terms with the fact that dyslexia was a common phenomenon nationally. Three or four years ago, we began to work with the parent group Dyslexia Fife. Its view was that one in ten children might be dyslexic, as measured on the continuum, so it became clear that we could not depend on an authority-level individualised assessment mechanism to handle that population. To do so would be to create a bottleneck that would generate parental dissatisfaction and would have children languishing and waiting for assessment.

We began to work with the parent group on school-level practice guidelines on how a class teacher or head teacher could identify children with specific reading and spelling difficulties. We worked on a set of materials on how educational staff should intervene. Those materials applied to learning support teachers and to educational psychologists. The strategy was to try to take a whole-school, systemic approach, to be preventive and to avoid bottlenecks and waiting lists.

We would say that that approach has been successful and that we can now expect instant recognition, acknowledgement and response. Five or six years ago, 50 young people were being assessed outwith Fife Council by independent, usually medical, assessors. No families now seek that external assessment—we cater for that need internally. We have taken the same approach with the more able and with children with ADHD, and we are working on similar guidelines for dyspraxia. We would like that kind of systemic, whole-school, whole-authority approach to be supported—indeed required—by legislation.

The Convener: Thank you. Do members have any questions?

11:00

Cathy Peattie: There was a lot of interesting stuff there—I was nodding quite a bit.

You spoke about the idea of streamed funding between education and health authorities and so on. Some of the big problems arise from lack of multi-agency working. How can we facilitate that?

Mr Kirkaldy: That is a massive question. It is to do with separate training and the lack of opportunities, after initial training, for people to be trained together. It is about separate professional perspectives—how people construe difficulties—and separate functional responsibilities.

Joint practice guidelines are achievable. We have some experience of that: we are developing common principles between agencies and, within that, clarifying mutual responsibilities and remits. Clarifying who does what and how complementary the roles are has, to some extent, been effective. It also encourages agencies to respect their own boundaries of competence and responsibility. If an education authority has to take decisions about resource allocation, it has to take responsibility for those decisions.

Cathy Peattie: To what extent can new community schools enhance multi-agency working?

Dr Liddle: They certainly offer a lot of scope for increasing and enhancing multi-agency working. Within our authority, for example, medical people and others will shadow special needs teachers and so on. There is always the possibility of breaking down professional barriers and allowing people to understand their professional colleagues better. That helps to avoid demarcation issues and the funding issues that crop up because of lack of understanding about where funding comes from.

Cathy Peattie: The concept of educational needs makes good sense to me; that would be a positive route to go down. How do we convince people who have spent their careers in special education to change their attitude? Perhaps I am being cynical—is the message so strong that people will start to move?

Mr Kirkaldy: The context has changed significantly in terms of the population that we know needs additional support. People who have spent their careers in the more separate aspects of special education would recognise that, but part of the difficulty is that we have locked up their potential. We need to find ways of unlocking it, because those staff probably have the greatest experience in supporting some of the most difficult to support children in our system. We need to make that experience available to colleagues in mainstream education.

Cathy Peattie: Those same staff often feel that they bear the brunt of everything, and that there is no support or acknowledgement from the schools or the authority of the work that needs to be done. I think that we can change that.

Mr Kirkaldy: That is right. The problem arises partly because we have locked them away and made them invisible to the broader community.

Dr Liddle: It was helpful that our colleagues who spoke to the committee earlier mentioned the increased funding for staff development for special needs over the past year or so. That will roll out further, and will be a major incentive for us to do more staff development within mainstream schools; that will allow an interchange between special needs teachers.

In most authorities, the number of institutions in which special needs staff are totally separate from their colleagues in mainstream education is diminishing. That creates the right atmosphere, but there is a long way to go with the anxieties of mainstream staff regarding special needs kids. The extra funding has helped to address that.

Cathy Peattie: I was interested in the part of the submission that dealt with outcome accountability. That will work if there are ways of assessing what is happening with the child in terms of participation, confidence and the child’s own view. All too often, such assessment is being lost. How can it be monitored to ensure that the three points that you covered—child, parent and school—are delivered?

Mr Kirkaldy: Some general development work needs to be done. The target-setting initiative in Scotland has had an impact, some of which has been positive. There are problems with the range of targets to which we are asking schools to commit. The targets are very narrow, and do not reflect our schools’ broad educational aims. Some of the aspects that I mentioned—participation, enjoyment, self-confidence, development and so on—are harder, but not impossible, to measure. They need to become targets; that is a development task, and it is not beyond us.

The Convener: Before I bring in the next questioner, I should point out that we have been joined by members of the Bavarian Parliament. I welcome them to the Scottish Parliament today.

Lewis Macdonald (Aberdeen Central) (Lab): I read the submission with great interest, and your comments today have reinforced that interest. In practical terms, do your proposals imply a need for immediate change to the process of how we assess young people?

Mr Kirkaldy: That is an interesting question, on which I have reflected, in terms of whether we require legislative change to make progress. Individual educational planning is already a widespread phenomenon, and the proposal, in essence, would use that planning—or personal learning plans, as they are described under the community schools initiative—as the basis for assessment.

In my council, we already practise that. We would expect a youngster, who is somewhere in the 20 per cent category who require assessment, to be identified by the class teacher, in consultation with the head teacher. We would expect an assessment to take place within a few days of identifying a difficulty, and a response to be made within the week.

At the other extreme, a youngster might require a full multidisciplinary forum, which would inevitably take longer and be a more complex matter. The record keeping and planning that would be associated with that youngster would, as a consequence, be a much bigger process.

In my view, we could move now to developing individual educational planning at whole-school level. The argument would be that the adversarial nature of the record of needs could be retained for families who were unable to achieve consensus with the local authority about the provision to be made. However, as Dr Gibson pointed out, the appeal routes for the record of needs are not entirely powerful as far as families are concerned. I do not want to argue against legislative change. I am sure that such change is required, but I think that, even within current legislation, we could shift the balance.

At the moment, local authorities are monitored in terms of how many records of needs they open, but not in terms of outcomes for young people and families. I would like that situation to be turned on its head. Local authorities should be monitored in terms of how they minimise the rate of recording and maximise the rate of fast response at school level. That could be done now.

Dr Liddle: Following the “Effective Provision for Special Educational Needs” report in 1994, the Scottish Office suggested a staged intervention process. Most authorities took that on board and the class teacher can now call parents in at an early stage. That does not mean that we do not need records of needs, but it creates a process that is graded in accordance with the difficulties that the child is experiencing. It would be good if that process could be made more coherent across authorities. The record of needs process makes things more difficult, because parents often feel that they have to go for the highest degree of involvement for their child. We would argue for children having their needs met at an appropriate level.

Lewis Macdonald: That would allow parents to be involved from the beginning.

Dr Liddle: Yes.

Cathy Peattie: Personal learning plans are clearly the way forward, yet teachers tell me that there will be a problem with time and excessive bureaucracy. Special education teachers have talked to me about plans being drawn up for the first two years of secondary school, but I think that that is too late. At what age do you think the personal learning plan should start? How can we help teachers to ensure that the system works?

Mr Kirkaldy: Many education services offer support to families from the time that a child with significant special needs that are identified by medical agencies is born. I agree that plans that are appropriate to the requirements of each youngster must be made from that time. The principle at work is one of minimal intervention to meet the identified needs. We want to minimise the bureaucracy of the planning system and the extent to which intervention intrudes on families' lives.

I have no answer to the problem of teachers' work load. I accept that the principle of minimum intervention helps, but there is no doubt that the universal introduction of personal learning planning for pupils will have an impact on teachers' work load.

Dr Liddle: A significant number of nursery schools will have individual learning programmes in place for youngsters who are already known to our services and the medics before they take up their places. Work is being done to carry that forward.

Fiona McLeod: I am in danger of going over old ground—we all seem to be saying the same thing.

I was interested that you used the word "continuum", Bryan. I have visited two special needs schools in my constituency in the past fortnight. I was struck by the fact that they were talking about a continuum of educational needs for each child. The individual learning programmes that I saw in those schools were detailed, individualised and had a worth for each child. I do not want to slag my son's primary school, but his record is so general that it does not tell me a lot about what his educational needs are. The idea of a continuum is the main thing that a presumption to mainstream can bring to all areas of education.

The problem that we return to is the problem of resources. The teachers to whom I spoke knew the child and the parents. The outcomes would be achieved because they were based on the needs of the child. How do we get over the resourcing problem?

We have already talked about the need for further training for mainstream teachers. Dr Liddle spoke about starting at nursery school—which is where we should be starting—with a health visitor who would follow a child through their life. How do we ensure that not only teachers, but those who work in nursery schools, have the skills to do these assessments? If we have to introduce IEPs, with all the resource implications that that will involve, how will we put that into legislation?

11:15

Mr Kirkaldy: That is the hardest question I have been asked yet. We have a set of ideas that we would like to be put into further legislation. I agree that IEPs should be a central part of that. I have also mentioned other ideas—for example the concept of educational need, an entitlement framework, and the aim of inclusiveness. If you accept those as starting points, there are key features that need to be included. We need strategic planning at local authority level, and we need aims and outcomes that can be monitored and measured at that level and at school level.

Inclusiveness can be measured; success of participants in the system can be measured; and the level of consensus between parents and authorities on provision can be measured. However—and I cannot stress this point enough—the individualised approach through the presumption of mainstreaming is necessary but not sufficient. We risk creating a stress between parental expectations and what the system can deliver, unless we consider the systemic impact. We have to find ways of implementing strategic developments.

At the heart of the matter in a local authority is resource allocation. We know that there is a varying level of inclusiveness in schools in any council area. A word that I like to use is resourcefulness, which covers the attitude, flexibility and commitment of the schools. In a needs model—which is the model that generally exists—there is a real risk that we reward with resources schools that are unresourceful and non-inclusive, because we will take children away from them and pump additional resources into them. We need a resource-allocation economy that encourages and rewards resourcefulness in schools. That would involve quite sophisticated techniques for monitoring outcomes and it would involve resources that are more connected with success in the strategic aims.

I believe that we have the basis for the design of a distinctive and powerful legislative framework, but I do not have the fine detail of how that would be implemented—that is probably beyond our competence.

Dr Liddle: I would add a caveat. We stand at a threshold of legislation for special needs in Scotland. Our preference would be to follow the route that we have mapped out. An alternative would be to go down the English route. Special needs provision is much better organised in Scotland than it is in England and I do not think that we have the same levels of appeals or tribunals as they have in England. As you will know, in England the level of what they call statements—which are the equivalent of the record of needs—is creeping up from 2 per cent to 2.5 per cent to more than 3 per cent this year and there is no way of restraining that growth. I would not like us to go in that direction in Scotland; it would be the wrong way to deal with this difficulty.

Fiona McLeod: I accept that we do not have the fine detail of the legislation. The Scottish Executive said that it is moving towards producing guidelines to allow the presumption of mainstreaming to happen. Do you think that it has gone far enough down that route? My impression was that the Executive had not gone very far at all.

Mr Kirkaldy: My impression, if I may be frank, is that the presumption of mainstreaming was introduced into the bill at quite a late stage. Although I welcome that presumption, I have reservations about it as an individual intervention in the system. I am not sure whether the guidance that the SEED officials referred to will be sufficient to create the systemic development that I mentioned earlier.

Mr Monteith: I found your presentation intriguing. In relation to realising the presumption of mainstreaming, do you think that inclusion means integration, or are they quite separate?

Mr Kirkaldy: That is an interesting question. Integration implies something different from inclusion. Integration implies a separate population that we are seeking to bring in; it is founded on a planning assumption that begins with separatism. However, inclusion is based on a planning assumption that everyone is "in" to start with. The question is, "In what?" Ian Liddle and I work with some young people who—if members have visited a special school recently they will know this—are not going to be suitable for a mainstream classroom because of their interests, needs and physical vulnerability.

We know that we will require a continuum or diversity of provision and location. I return to the principle of least intrusive intervention. Wherever possible, children should be educated locally, within their community, ideally within their local school. If that is not possible because their needs are more specialised, they should be educated within the council area. That is a layered approach that would not burden us with the idea that inclusion means that everyone is in the local school—that is not tenable.

Mr Monteith: In that continuum, might it be appropriate for a child to go to a separate school to prepare them for placement in a mainstream school?

Mr Kirkaldy: Yes. The research on integration has shown that some children participate more and are more integrated when they have a separate class environment.

The Convener: As there are no further questions, I thank the witnesses for attending the meeting and answering our questions.

Time is pressing, so we will try to move on. I welcome Dr Linda de Caestecker to the committee. Please could you introduce the other members of the panel? We are happy for you to make a brief statement after which members will ask questions.

Dr Linda de Caestecker (Greater Glasgow Health Board): Thank you for inviting us to give evidence this morning. I am consultant in public health medicine at Greater Glasgow Health Board, with a remit for child health and commissioning children's health services. My colleagues are Lynda Hamilton, the general manager responsible for child health and psychiatry services and Pauline Bierne, who is the head of paramedical therapy services at Yorkhill NHS Trust. Although the committee requested evidence from the health board, Yorkhill NHS Trust provides the majority of specialist health services to children with special educational needs. Both the board and the trust plan and provide services for children who live in any of six local authority areas.

As she is one of the major providers of services, I have asked Pauline Bierne to make a statement. After that, we would be happy to answer questions.

Ms Pauline Bierne (Yorkhill NHS Trust): I wanted to make a couple of points that reflect our experience as professionals allied to medicine. I am here representing speech and language therapy, occupational therapy, physiotherapy and my colleagues in clinical psychology. We are involved in the day-to-day therapeutic management of children and young people throughout the Yorkhill NHS Trust area. We welcome the principle of an inclusionist philosophy in education. However, from our position, there is a significant leap from philosophical inclusion to an inclusionist society. We would require the full commitment of our colleagues in education—particularly in mainstream education—health and social services, parents and representative groups for us fully to commit to moving towards an inclusionist model of education for children with SEN.

From our experience of working in the SEN sector, we know that there are many hurdles to joint partnership working with colleagues from other professional backgrounds. Those are major challenges in the rarefied atmosphere of SEN, which will become even greater as we move into mainstreaming. One of those challenges is parental involvement—fully including parents as partners in the management of their children is an on-going and difficult task in the SEN sector. That would be increased in a mainstream context. It is crucial that there is a joint and shared understanding of professional roles and working practices, including a shared understanding of what it means to collaborate effectively to meet children's needs.

Training has already been discussed this morning. Training is not about taking professional groups on shared training courses. Rather, there must be practical working experience of jointly managing children—experiential action-based learning. Perhaps most crucially, we need at undergraduate level to tie together teacher training and paramedic professional training groups. That would seem to be a fairly straightforward exercise. For example, in Strathclyde University, the PAMs and teaching professions currently train in the same building, but have limited shared training in their courses.

It is crucial to have time for joint planning and liaison. Resourcing, including the availability of skilled staff, is a fundamental factor, but there is also the issue of the readiness of the mainstream sector to accept children who have significant difficulties, even if that means the environment of a separate unit attached to a mainstream primary school.

11:30

There are significant positive points to inclusion, including parental rights and the rights of the child. From our perspective, there would be a wider awareness of the therapy professions and of their roles in working with children with need. Children would be educated with their peer group in their local school. They would have norms and models for behaviour and language. There is the benefit, from our perspective, of managing children from the earliest possible diagnosis through all the transition phases to secondary school.

In our opinion, a managed shift from segregated provision to mainstream provision is required, perhaps beginning at the pre-five level. Significant pre-inclusion training, preparation, joint working and, as a consequence, additional resourcing to prepare our mainstream colleagues for a move towards an inclusionist framework, would also be required. We would welcome the opportunity for health and education to work in partnership to deliver that model of inclusion, at both a board and a strategic level within the Scottish Executive.

The Convener: Thank you for that, Ms Bierne. I now invite members of the committee to ask any questions they may have.

Fiona McLeod: Following recent visits to a couple of schools, I was interested in the integration of children with profound health needs as well as learning needs. New Hampshire in the United States took the decision to mainstream and decided to start from that end of the spectrum, mainstreaming children with profound physical handicaps. How possible do you think that is in the Scottish environment, where there are already classroom assistants and school auxiliaries who are saying that they are unsure about giving children their asthma inhalers, for example? How would we proceed with children with profound physical and health or care needs?

Ms Bierne: That is a huge issue. From experience, I would say that one of the most difficult groups of children to include is MLD—the mild learning difficulties population. There is an unwritten understanding that such children would be the easiest to integrate, but that is often not the case because they do not have the most significant difficulties, but perhaps have additional behaviour problems.

Mr Kirkaldy talked about integration versus inclusion. For children with the most complex need, there will be a long road of joint training, increasing awareness and joint working to allow them to move easily into a mainstream context. I would envisage their having to spend a significant part of their day in an attached unit facility, with integration and inclusion for some of the subjects in the school day. It is a huge learning process for the mainstream sector, because we have traditionally educated children with special educational needs in segregated provision. The pre-five level is probably a good place to start.

Dr de Caestecker: That would have implications for our therapy services and for our school health services, both of which would be spread more thinly around mainstream schools. That is not to say that we cannot achieve the change, but we need to ensure that we have the opportunity to plan for that change.

Fiona McLeod: One of the things that has occurred to me now relates to 15 years ago, when I worked in a school with a special needs unit. We had a school nurse, which schools do not have on the premises any more. Is that something that will make the change even more difficult?

Mrs Lynda Hamilton (Yorkhill NHS Trust): Some schools in Glasgow still have school nurses present. They tend to be the schools where children with more complex health needs attend. A school nurse is not present all the time in our mainstream schools, secondary or primary. If such schools had children with complex health needs, staffing them would be a major issue for us, because those children would need a lot of intervention during the day. Appropriate facilities would also be an issue, because some children would require catheterisation, some with gastrostomy tubes would have to have a feed, and there would be other nursing procedures that would have to be done in the correct environment for the child and for the nurse. At the moment, school nursing numbers in Glasgow do not readily allow us to have a nurse present in each school. Nurses tend to work within a locality and to visit a cluster of schools.

Cathy Peattie: You are clearly keen to develop partnership working. What are the barriers to the kind of partnership working that we would hope to achieve?

Ms Bierne: There are numerous barriers to partnership working. As I said earlier, the lack of joined-up training at undergraduate level is a major one. Another is the lack of a shared understanding of what joined-up working really means for the sharing of skills and tasks. In education, we have had the ethos of therapists doing one part of the work and teaching and auxiliary support staff doing another. Breaching that gap will be the most important way of achieving good collaborative practice in the management of children's problems.

There is some preciousness about role boundaries that we will have to overcome. Some moves have been made towards that; my experience in Glasgow has been of very good working partnerships with our colleagues in education. In some establishments, the ethos of the school lends itself to good multi-professional working. Achieving such working practice is a long process that staff at schools will have to undertake.

Cathy Peattie: You said that you felt that, as inclusion develops, it will be even harder to establish partnerships with parents. How can we make progress on that? It is clearly vital that parents should be involved in the development of their children.

Ms Bierne: Communication is important; we need to establish a routine of having user groups at which parents can influence the way in which services are developed in their children's schools. We are trying to do that in a small way in Yorkhill by setting up parent forums, but they tend to cover a number of schools in a local authority area. We will have to refine that, perhaps into a geographical patch, so that parents of children with different needs can come together to influence the ways in which services are delivered in their schools. There is a gap between the parental perception of how needs are met and the professional perception of how needs are met. In our experience, that has been the greatest area of conflict in the provisions of services for children.

Cathy Peattie: Do you feel that that conflict will get worse unless something is done?

Ms Bierne: The biggest challenge for inclusion lies in assuring parents that their children will continue to receive a needs-based service and that there will not be a dilution of therapeutic resource across a larger number of establishments. If we can give parents that assurance, they will be committed to inclusion, for the positive reasons that I mentioned earlier. However, there will have to be a huge exercise to assure parents that the service and provision that their children currently receive in school will be mirrored if the child is included in the local mainstream provision.

Cathy Peattie: Is there a resource issue in supporting parents?

Ms Bierne: Yes, I think that there is a resource issue. I am not suggesting that we can completely meet parental needs, because parents will always have views of what their children need, and, taken together, those would represent a massive requirement of resources. However, we should be able to achieve a balance.

Mr Monteith: I was interested in your point about children with what might be called mild difficulties. I do not recall that point being made earlier, and it is a point that I feel deserves greater attention. In shorthand, one could describe it as children falling between two stools and being missed. That would be a real worry to this committee.

I do not know whether this part of my point or question is appropriate to you, but I have come across evidence of children who might be suffering from ADHD; the problem seems to fit in with what you described. The difficulty seems to be that the child progressively encounters difficulties in class, but that is not recognised and it is believed to be bad behaviour. In seeking to address the situation, the parent seems to find it hard to get help and recognition. Do you or any of your colleagues have any comments on that particular difficulty?

Mrs Hamilton: There is a growing recognition at Yorkhill that ADHD is a chronic condition, not something that can be readily cured. If a child has ADHD, a lot of input is required over a long period. We are just beginning to understand more about the condition and what support we can offer to parents, schools and the child.

We hope soon to receive the guidelines from the Scottish intercollegiate guidelines network on how ADHD should be treated. They are best practice health service guidelines for health care staff. Within our trust, we are about to organise a meeting between staff in the child health service—including the school health service—the community paediatricians and the child and family psychiatry department, to find a way forward in the treatment of ADHD in the greater Glasgow area.

We also need to work with general practitioners, so that they can play their part, and with the education authorities. We in the health service are still trying to sort out our side of things, not forgetting that we need to include the education authority. Quite a lot of work needs to be done for that population group, to offer them a good service and to offer the parents the support they need. We must ensure that teachers recognise ADHD as a problem, not just as bad behaviour.

Fiona McLeod: This is not meant as a criticism, but what you have just described is the health service setting up a health model for ADHD, although you say that you recognise that education authorities have a huge part to play.

Mrs Hamilton: Yes.

Fiona McLeod: Would not it be best practice to start from scratch through a joint working group, with representatives of education departments on it? The model that would be produced in that way would be based on both health and education. I suspect that the route that you are following will produce a health model only. You will then have to ask the education departments to produce an education model and try to marry the two together. It is part of the presumption of mainstreaming, which we expect in the near future, that we will all have to change the way in which we look at things.

Mrs Hamilton: I take your point. There is obviously much merit in having a joint working group examine the problems of ADHD. This is an example of the different requirements that are placed on different organisations by their own governing bodies. The health service, like local authorities, can be asked to do certain things in a certain way, and the guidelines come from the Scotland Office or the SIGN. Pauline Bierne referred to joined-up working and working in partnership, not only locally but at a national and strategic level, and it would be good for that to happen in this instance.

I am happy to take on board your comment about thinking differently, and I shall take it back to my colleagues at Yorkhill. We must ensure that each organisation meets its own needs, gets the balance right and works with other organisations to create something that will work for the child.

Dr de Caestecker: The children's services planning process provides us with the vehicle for joint planning. The work that Lynda Hamilton describes would be fed into that process, with the local authority, the health services and others working closely together in planning children's services.

The Convener: It is important—even at Scottish Executive level—that we should not make different demands on different sectors at different times. It may be that Peter Peacock's forum can make progress with such planning. There could be a good opportunity for working together, so that we are not asking people in the health and education services to do things to different time scales.

There seem to be no further questions from members and you have answered all my questions, too. Thank you very much for giving us your time this morning. Your answers have been very helpful.

Children's Commissioner

11:45

The Convener: Item 3 on our agenda is an update on committee business.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Is not item 3 on the children's commissioner?

The Convener: Yes, I am sorry—but I was going to discuss that as an update on committee business. [*Laughter.*] I am just trying to shorten the agenda for you, Jamie.

A memorandum from the Scottish Executive on the children's commissioner is being circulated. Because of our timetable, we have agreed that we will not consider that until after the recess. However, if anyone has any questions or comments—questions to ask now, or to be e-mailed to me or to Gillian Baxendine—please feel free to do so, so that we can get organised for it.

Fiona McLeod: I know that we will discuss this in future, but I have to say that the memorandum is quite grudging about appointing a children's commissioner. That makes it all the more important that the committee should, after the recess, carry out an inquiry within a short time scale during which we can take evidence. We might talk to many of the same people and we might go over much of the same ground, but I feel that we would come to a different conclusion. The memorandum is grudging—to use a kind word. I would like us to set aside two or three weeks, so that we can pull those matters together for ourselves.

The Convener: I take on board the point that you are making.

Cathy Peattie: I will try to be a little more positive. There is much support among voluntary organisations and other agencies. I agree with Fiona McLeod that it would make sense to consider the issue and to take evidence. I would welcome the opportunity to do that, and I support the idea of having a children's commissioner.

The Convener: My impression is that the committee has an open mind on the issue, to say the least, and would want to consider it very soon. We will put it on the agenda for future meetings.

Committee Business

The Convener: Now we really will move on to an update on committee business. Do members wish to raise any points?

If not, and because I am feeling very co-operative today, I will allow Fiona McLeod to raise an issue that is not an update but is a new item. We were not able to put it on to the agenda for today partly because of the holiday over the weekend, but it is an issue that has to be dealt with fairly urgently, as Fiona will explain.

Fiona McLeod: I do not know whether any other members read the piece in *The Herald* on Friday by Doug Gillon on the situation of Scottish Disability Sport. During the weekend just past, the United Kingdom championships were held in Sheffield. They were part of the selection process for the paralympics, which, as members will know, will take place in Sydney in October. The final date for selection for the paralympics is 23 June.

The piece in *The Herald* brought to the public's attention the difficulties that Scottish disabled athletes have at the moment because of a reorganisation of uk:athletics and the way in which disabled sports are considered and administered. Scottish Disability Sport is an umbrella organisation, but uk:athletics has decided to organise the matter for the whole of the UK by disability or by sport, rather than as an umbrella organisation. Scottish Disability Sport does not have a place in the uk:athletics disability structure and Scottish athletes are therefore not represented at UK level.

Final selection is on 23 June, so there is not much time left for Scottish disabled athletes to ensure that their needs are being met so that they can make the selection criteria. As a matter of urgency, I would like the committee to investigate the situation with Scottish Disability Sport, with uk:athletics and with sportscotland. If there is an immediate problem for our athletes, we should try to exert some influence over the relevant bodies.

The Convener: The suggestion is that we contact the Scottish Executive and sportscotland for an update on the situation and the reasoning behind the decisions that appear to have been taken. We shall do that as a matter of urgency, as time is pressing and the trials are at the end of June.

Fiona McLeod: We should also contact Scottish Disability Sport and uk:athletics.

The Convener: I am quite happy to do that. Are there any other items to update?

Mr Stone: As you are being free and easy from the chair, may I do as Fiona McLeod has done and raise a slightly different point? I feel in my bones that we have not so far addressed culture in quite as much depth as we might have done. That is nobody's fault, as we have been heavily burdened with other business. However, I am aware that Rhona Brankin is working away on the cultural strategy for Scotland. As someone who is known to give voice to songs now and again—there is a touch of the thespian about me—I take a big interest in that and I feel that we could work with the minister on it.

I would welcome your advice on whether we should invite the minister to the committee again. I feel that the cultural strategy has been left a wee bit on the back burner, but we should try to address the issue before the recess.

Cathy Peattie: I agree whole-heartedly with Jamie Stone. The national cultural strategy is about to be launched, and it is important that we are involved. When we took evidence on the national arts companies, we heard from trade unions. Ian Smith of the Musicians Union said then that more people are employed in folk and traditional music and in jazz in Scotland than in any of the national companies, and the committee agreed that it would be important to consider the performing arts again, particularly traditional and folk music. We also agreed to discuss a national theatre company. We have a busy programme, but we would not be fulfilling our role if we did not pick up those issues.

Mr Monteith: I am glad that Jamie Stone mentioned the national cultural strategy. Ministers said that the strategy was soon to be announced, but soon seems so long ago now. I thought that we would have had something by now. I recall the consultation being launched in August last year at the Edinburgh International Festival, so it might take just less than a year to complete, and then we will want to examine it.

As Cathy Peattie said, we agreed that we would look further at the issue of a national theatre. Recent press coverage in *The Courier and Advertiser* said that Dundee City Council and the Dundee Rep Theatre were going to make a bid; they must be ahead of the game.

Do we intend to prepare some sort of review? That seems to have been lost in the mists of time.

The Convener: I wish to make a couple of points. Members will have heard that the cultural strategy is about to be announced. However, it might be worth asking Rhona Brankin, the minister who is responsible for that strategy, what the time scale is. Perhaps we could invite her to the committee to discuss that and any other issues on culture that members wish to raise. Gillian Baxendine and I will contact Rhona's office to organise a meeting.

The Scottish Arts Council has been taking a lead on the national theatre company. Meetings have been arranged to discuss that and to involve bodies, including those that gave evidence to the committee. I suggest that I write to the Arts Council for an update. Once we have a reply, we can decide whether we should get involved further or whether we should await further developments. Is that acceptable?

Members *indicated agreement.*

Mr Monteith: That is acceptable. However, I had the feeling that we had decided at a meeting that we would become involved, although the business of the committee was in the road. Although the Arts Council has taken some initiative, to be honest, there is some distrust between all parties because of the history of the idea, and they wanted our involvement as an honest broker. It would be useful if we could play that role.

The Convener: In my informal discussions about the matter with Tessa Jackson, I have become aware that peace has broken out and that the parties have recognised that the Arts Council is not anti a national theatre company. Some positive discussions have taken place. I am more than happy to find out the details and to report back to the committee.

Mr Monteith: One other caveat that I have is that it was clear from the ministerial response that the Executive was not keen to make new money available, and I suspect that there are also difficulties in the Arts Council budget. Therefore, the matter might become a political football, not within the ranks of the national companies, but on the question of resources. If that happens, we might need to form a considered view.

The Convener: I think that the committee recognised at the time of the report that there would be resource implications. We did not try to portray to anybody that this would be an easy option financially. We also recognised that there was no point in going ahead with it if finances were not available to ensure that it survived. That point is being examined, but I am more than happy that we should return to the subject.

Mr Stone: For the purpose of the *Official Report*, it is worth noting that the minister has been ill for a considerable time, so it is only to be expected that things might have fallen a wee bit behind.

The Convener: The minister is now back working with us, which is good. I think that it has been our agenda that has held up our consideration of the matter.

I wish to make three announcements. First, stage 3 of the Standards in Scotland's Schools etc Bill will take place on 7 June, and amendments will have to be submitted to the clerks by Monday 5 June.

Secondly, members will have received copies of a letter from Sam Galbraith to Norman Murray of the Convention of Scottish Local Authorities on the McCrone inquiry, which is due to report to the minister tomorrow. The letter suggests a timetable for dealing with McCrone. I suspect that the committee, too, will want to make its views known on McCrone, so we will try to timetable opportunities to do that on our agenda.

Thirdly, I draw members' attention to the Save the Children toolkit, which has been circulated, as requested. Everyone should have received a copy.

I also draw members' attention to two meetings. First, this evening at 5 pm—or as near to 5 pm as possible, as a committee is meeting in the same room prior to it—Children First will make a presentation. It was programmed for committee room 2, but I am not sure whether that is still the case. I am sure that members can find out from security where it will take place. Secondly, tomorrow at 12.30 pm the Scottish Arts Council will give a presentation at the Hub. It will include an end-of-year report and an outline of what the council sees the coming year as holding. If members are available to attend that meeting, I am sure that they will find it very interesting.

12:00

Fiona McLeod: Last week, we discussed one of us attending the symposium at the Danish Cultural Institute.

Karen Gillon (Clydesdale) (Lab): It is my fault—I thought that I could go and now I cannot.

The Convener: Can we check that, because tonight a report requesting finance is due to go to the conveners group? The symposium is on Friday 9 June. If anyone is available, they should let Gillian Baxendine know before 4 o'clock, so that, if need be, we can withdraw the paper from the conveners meeting.

Fiona McLeod: If none of us can go, can we send somebody?

The Convener: Yes.

Karen Gillon: What would be the mechanism for that?

The Convener: We are not sure; we will need to check. We are anxious that somebody should go, so we will see what can be done.

Cathy Peattie: Can we say that we think the Save the Children toolkit is a really good idea and that we are pleased to have it, and emphasise the importance of good community development and work with children?

The Convener: We are more than happy to record that.

We now move to item 5, which we have agreed to take in private.

12:02

Meeting continued in private until 12:28.

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