



21 September 2017

James Dornan MSP
Convenor, Education and Skills Committee
Scottish Parliament

Dear James,

Response to the Education and Skills Committee report: How is Additional Support for Learning working in practice?

I am writing to you in response to the Committee's report on Additional Support Needs. I apologise for the delay in response which is due to the local election period and political processes within COSLA.

Our Children and Young People's Board are very concerned by the content of the report and the recommendations presented there. Our response covers these in detail, and on several occasions, refers to the potential impact of the Education Governance Review, which we do not feel has given adequate focus to Additional Support Needs, GIRFEC or the wider role of local and national government in supporting some of our most vulnerable children, families and young people. The following paragraphs are presented in the order of the report, with references to specific paragraphs in brackets.

We are pleased that the committee recognizes that an increase in recorded incidence of children with additional support needs is *"likely to be due in large part to better recognition and changes in recording practice"* (paragraph 36). We would however like to remind the committee of the evidence submitted to the committee on 7 December, later discussed during the 14 December committee meeting, which gave an indication as to why recorded incidence is not useful indicator of the level of support provided in schools to all pupils. It also does not demonstrate the achievements that children and young people who may have, or have had an additional support need have made during their education. We would encourage the committee to focus less on the figures and reporting of additional support needs, and more on the outcomes and achievements of young people. As the Deputy First Minister in his December letter to the Committee:

"Despite differences in recording practices I believe that, overall, the additional support for learning system is being well implemented in Scotland. We have a positive picture of children with additional support needs consistently achieving more each year."

Local Authorities and schools centre their service on each individual child, in line with the principles of GIRFEC. We do not believe that an ongoing focus and scrutiny on the recorded incidence of Additional Support Needs is in line with our ongoing joint commitment to GIRFEC, early intervention, prevention and inclusion.

The committee have heard and recognised the implications of local government budget cuts which have led to a cut in resources previously available to children, young people and their families. Despite this, through pragmatic and creative approaches, local authorities continue striving to deliver the best possible education and children's services.

It is not clear what evidence the committee is referring to in the statement:

"An analysis of the evidence, taking available resources to support ASL in mainstream schools into account, suggests that more children than are actually best served by mainstream education are currently in mainstream primary and secondary schools." (paragraph 61).

The low number, 45 cases in 2015/16, of challenges relating to placing requests which escalate to the Additional Support Needs Tribunal clearly do not point to a systemic issue, given Scottish Government statistics indicate that 170,329 children and young people have an identified additional support need.

We would agree with the statement around lack of resources and are pleased the committee recognises the positive outcomes cited by the Deputy First Minister on Additional Support Needs in his evidence on 8 March 2017.

"The performance of young people with additional support needs has improved; 86.2 per cent of those pupils have a positive destination, and that figure is up on previous years. A rising proportion of pupils with additional support needs are leaving school with one or more qualification at Scottish credit and qualifications framework level 5 or better. The improvement in performance of young people with additional support needs is encouraging."

We would reiterate our position that we will continue to focus on further improving those outcomes, and building on the numbers achieving those positive destinations and would encourage the committee and all partners to adopt this focus. It must be noted however that local authority budget cuts, along with the uncertainties presented by the Education Governance Review, make success significantly more challenging.

In relation to the committee's recommendation that the Scottish Government should undertake a *"quality assurance review of the implementation of the presumption to mainstream policy, and more broadly of the availability of additional support for learning in mainstream schools"* (paragraph 66) and that this review *"should feed into the terms of the revised guidance planned by the Government"* (paragraph 67), COSLA and a number of other partners including ADES, Education Scotland, Trade Unions and parent representatives have been working with Scottish Government on this revised guidance this year. The revised guidance on the presumption of mainstreaming was due for consultation this summer but has been postponed due to the committee's work in this area. We would

urge the committee not to further delay the consultation and publication of this guidance as we do not anticipate, given the input of stakeholders in its development and the opportunity to influence via consultation, that a review would result in substantial changes to the content.

We would welcome clarity around committee's statement that the revised guidance "*must ensure the impact of a lack of resources is reflected in the form the additional support for learning policy takes in the future*" (paragraph 67). We could not condone a situation whereby policy to support children with additional support needs is predicated on funding available, indeed the Equality Act 2010 and all other policy relating to inclusion and supporting children to achieve their potential would not be supportive of this premise. The Education Governance Review and associated Fair Funding Consultation provide further uncertainty over the ability of local authorities to ensure that areas relating to support for additional support needs is resourced in an efficient, effective and child centred way. We are very concerned by the lack of attention that issues relating to additional support needs have had in the Governance Review to date.

The Scottish Government already collects and reports quantitative evidence to parliament in relation to additional support needs. Further clarity on what is meant by "*qualitative evidence*" would be welcomed. The Advisory Group on Additional Support for Learning are currently considering ways in which to better capture outcomes through measurement, as the data collected at present is overly focused on inputs and not very useful in terms of demonstrating the experiences and achievements of children and young people. As stated above, we are keen to move to a more outcome based focus.

The committee's recommendation of a review to include an assessment of resource limitations (paragraph 89) is focused on inputs, which is not in line with the previous statements about a need to focus on qualitative evidence. We are also concerned that this recommendation alludes to an assumption that ASN specialists should be the main contributor in a child or young person's education, when the class teacher is responsible with any specialists providing advice, and often not in the classroom. We are not convinced of the need or timing for a review, and would instead seek clarity and reassurance on the place of, and an increased focus on issues related to additional support needs in the Education Governance Review. We believe the governance review poses significant risks to the support available for children and young people with additional support needs and to the most vulnerable children and families in Scotland and would urge the committee to focus their efforts on ensuring their protection.

We are supportive in principle of the premise of targeting advocacy services to support families from areas of deprivation, though this should be a decision for local authorities to make based on their in-depth knowledge of the local population and school catchment areas. We are, however, keen to assure the committee that teachers and support staff from schools and other services within local authorities endeavour to identify where any child or young person has an additional support need(s) and ensure provisions are made to enable them to achieve their potential in education.

We do not believe that there are “*deep seated factors*” influencing the variation in figures nor do we agree with the statement that resource implications and issues with the culture in local authorities are resulting in non-recognition of additional support needs. The evidence submitted to the committee last year demonstrates that the populations and factors influencing need in local authorities do vary. Other issues contributing to the variation in figures across local authorities include lack of clarity about definitions and how to record when there are multiple additional support needs. We have also noted previously that approaches to providing general support to all children and young people vary, this means in some schools and local authorities there is more need for support in addition to general support and in others less. This local decision making is vital in ensuring children and young people are supported in the way that best meets their needs, which contributes to the variation in figures reported. These decisions, policies and approaches are implemented by education professionals who are under local democratic scrutiny.

We are not supportive of a financial review and do not believe it will bring any benefits to children and young people with additional support needs. The view that a financial review of spend on additional support needs should be “*the starting point for Scottish Government discussions with education authorities on their funding allocations*” is also not one COSLA would support and find this an odd statement when the previous sentence acknowledges valid explanations for variation in reporting. Local Authorities must be free to identify local needs and direct resources to those, and education cannot be seen in isolation to all the other services and supports that are provided for children and families, the spend on which could not be captured in a single row in an LFR. In the context of the wider Education Governance and Funding Reviews, it is difficult to see what benefit or impact such a review could have. There would be no support for this which would mean that undertaking the review “*in collaboration with education authorities*” (paragraph 111) would be challenging for government colleagues.

Local authorities are fully committed to the principles of GIRFEC and therefore each child’s education and needs will be considered both in a classroom and beyond. Where there are concerns that there is a classroom matter which is negatively impacting on other children’s education, this will be recognised and provisions will be made to ensure this is overcome in a way that is supportive for all children, families and staff involved. The impact of a lack of resources and local authority budget cuts cannot be ignored in this or any context related to additional support needs. Schools and local authorities are working to the best of their abilities to ensure GIRFEC is central to their work and that attainment and achievement of all children and young people is their priority.

In relation to collaboration on training, many local authorities are already working together to ensure learning and development opportunities are available for staff. Additionally, there are many excellent examples of training across organisations, such as shared training between local authorities and NHS boards. A great deal of collaboration and partnership working is ongoing and it would be wrong to assume that this does not already happen. Given the status of discussions around regional collaboration, any additional demands on collaboratives would not be welcomed, however the committee should be reassured to know that based on local needs and demands and the bottom up approach of existing and

developing collaborations, any training needs and opportunities such as these would be identified and prioritised. What cannot be ignored in terms of training is the lack of CPD time available to teaching and importantly non-teaching staff, for example the limited cover available while people attend training. There are many excellent examples of training packages, however attendance at these is dependent on local authorities having adequate funding to direct to these and the cover required for people to attend.

I hope this response is helpful in informing the committee's future work and direction in areas relation to additional support needs. COSLA officers are available to provide further clarification and information if this would be beneficial.

Yours Sincerely,

Councillor Stephen McCabe,

COSLA Spokesperson for Children and Young People