

# **Planning improvements for disabled pupils' access to education**

## **Consultation Report**

**May 2014**

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# Introduction

## Background

This report provides an analysis of responses to the Scottish Government's consultation on draft guidance on the [Disability Strategies and Pupils' Educational Records \(Scotland\) Act 2002](#) ("the 2002 Act"). The 2002 Act contains duties which require "responsible bodies" (education authorities, and those responsible for the management of independent and grant-aided schools) to prepare and implement an accessibility strategy for all the schools for whom they are responsible. The accessibility strategy must refer to how the responsible body intends, over time, to:

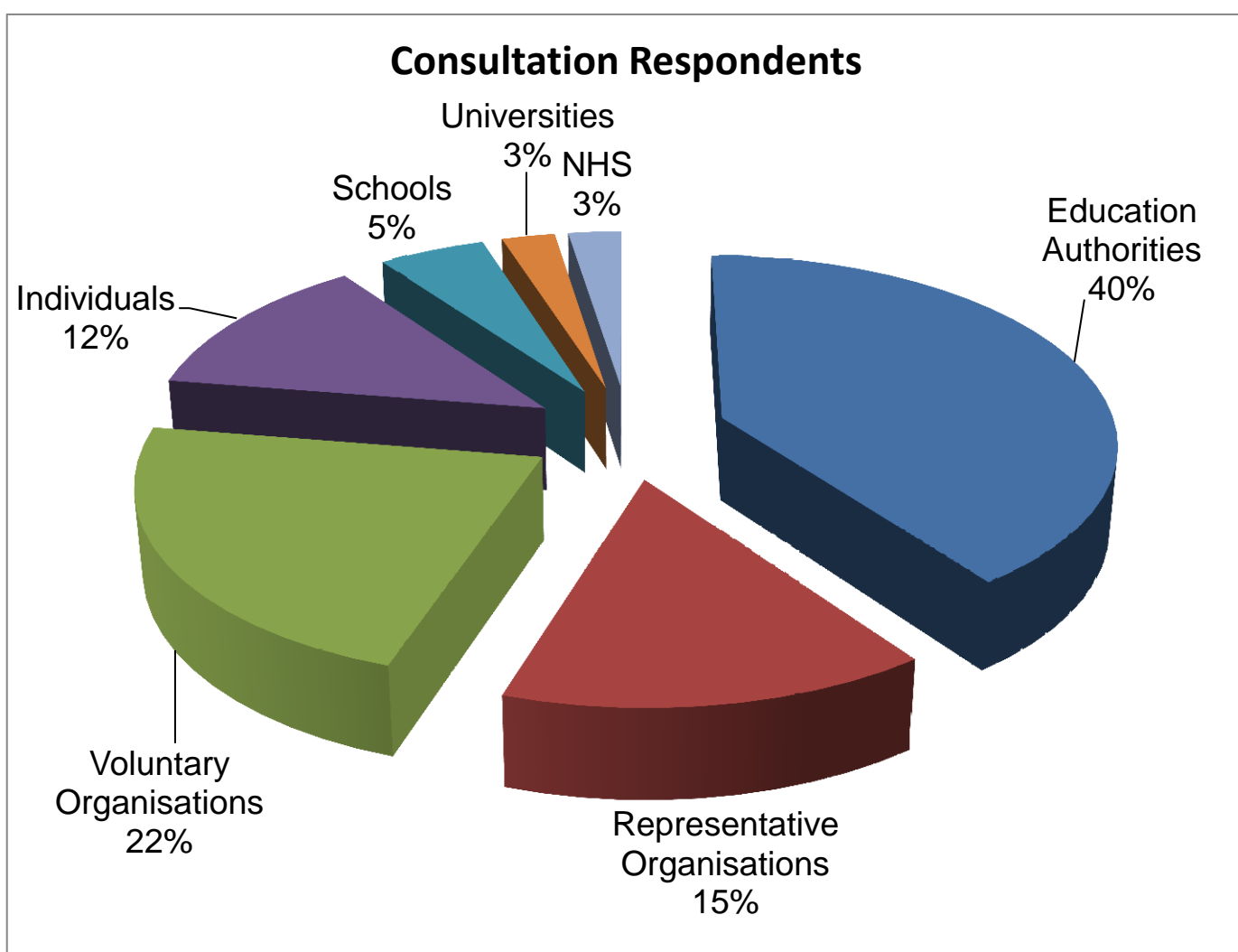
- increase the extent to which disabled pupils can participate in the curriculum;
- improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education and associated services provided or offered by the schools; and
- improve communication with disabled pupils, in particular improving communication within a reasonable time, and in ways which are determined after taking account of their disabilities and any preferences expressed by them or their parents (for example in different formats), of information that is provided in writing for pupils, or persons who might be admitted as pupils who do not have a disability

## Consultation Process

The consultation on the draft guidance began on 20 December 2013 and formally concluded on 28 March 2014 (14 weeks). Consultation responses were accepted by those who indicated that they could not meet the consultation deadline until 4 April 2014. Consultation responses which were received after 4 April 2014 were unable to be formally recorded and published as consultation responses (see below) but were considered by officials as part of the consultation.

## Consultation Responses

The consultation generated 40 responses from a range of stakeholders, including voluntary organisations, education authorities, schools, National Health Service, representative bodies and individuals. The chart below indicates the percentage of responses from each group. Those responses for which consent to publish has been received have been published on the Scottish Government's website at <http://www.scotland.gov.uk/Publications/2014/04/3411>



Officials would like to thank all of those who responded to the consultation for the constructive and detailed responses that were provided. They will directly influence the future shape of the guidance once finalised.

## **What did the consultation ask?**

Those responding to the consultation were asked the following questions:

1. Is the draft guidance clear and does it contain enough detail?
2. Is the structure of the guidance appropriate?
3. Are there any areas which you feel need clarification?
4. Is there information missing? Or is the guidance comprehensive enough?
5. Any other comments?

## **How have the responses been interpreted?**

In the analysis of these questions if a respondent indicated clearly yes, or provided comments of a positive nature then they were considered to have said yes. If the respondent indicated yes, but some comments were also made of a minor nature (ie spelling errors, or improvement to the index) they were considered to have said yes. If the comments were negative or considerable (ie multiple points were made or points which indicated significant concerns about the guidance, its language or presentation of the issues were made) they were interpreted as having said no.

In relation to the fourth question, if a respondent made comments (unless they were of a minor nature) they were considered to have said No (that there was information missing and that the guidance was not comprehensive). This approach was taken due to the phrasing of the original question (which had two opposite elements) and therefore the analysis erred on the side of caution.

In relation to the fifth question, if a respondent provided comment then they were considered to have said yes, and conversely if not then no.

## Definition of terms used in this analysis

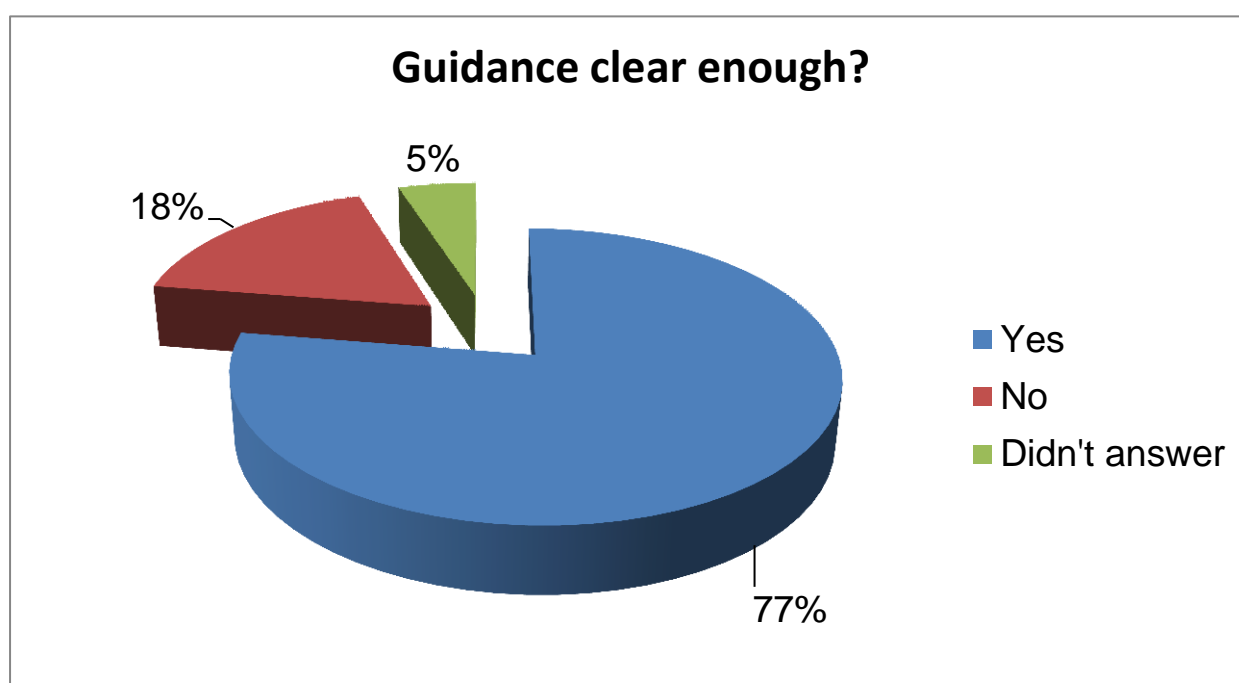
Within this analysis the term 'few', 'less than half', 'majority', 'most', 'almost all' and 'all' refer to specific percentage values as follows:

Definition of terms used in this analysis	
All	100%
Almost All	90-99%
Most	75-89%
Majority	50-74%
Less than Half	15-49%
Few	Up to 15%

## Consultation Analysis Report

This report will set out the analysis of each of the responses to the questions in turn. These will then be drawn together into a summary of the consultation overall. The outcomes of the consultation in relation to each element will be set out at the end of each question. Due to the volume of comments on each element of the guidance it is not practicable to set out each detailed comment within this report. Where there have been points raised in multiple responses these will be drawn out.

### Is the draft guidance clear and does it contain enough detail?



Most respondents felt that the guidance was clear and was detailed enough. Several of the responses indicated that they felt that:

- the Appendices were particularly helpful,
- the guidance on consultation was welcome,
- the legislative overview was helpful

Other responses indicated that:

- the guidance should be more explicit on how Accessibility Strategies fit with other planning and reporting processes, particularly those on

Public Sector Equality Duties and through the Children and Young People (Scotland) Act 2014.

- there was concern about how Accessibility Strategies should be publicised, for example via local authorities or schools websites.
- further examples of good practice and resources would be helpful.

## Conclusion

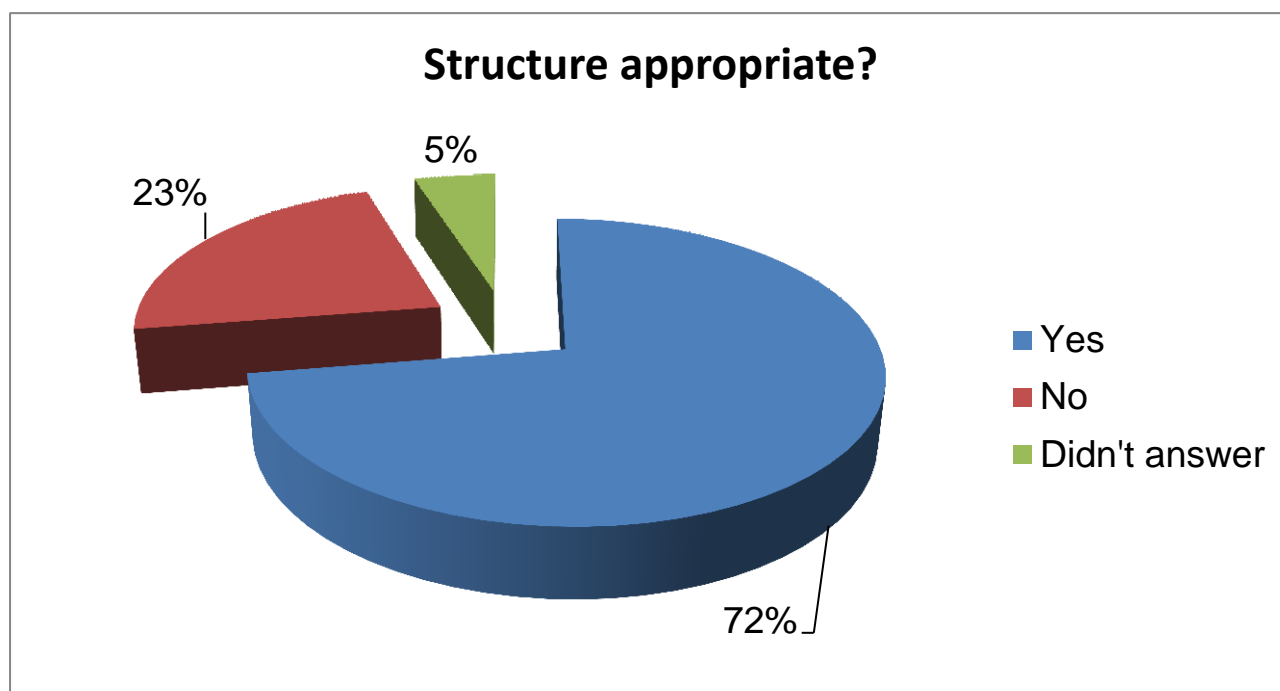
It is reassuring that most respondents felt that the guidance was clear and detailed. However, work will be undertaken to ensure that the guidance does take account of the other planning and reporting mechanisms, particularly in relation to the Children and Young People (Scotland) Act 2014 which was passed by the Scottish Parliament whilst this consultation was ongoing.

The guidance will also indicate that strategies may also be published via authorities and schools websites. Although this is not a requirement of the Act it is good practice to do so.

Several consultation responses indicated that there were resources or organisations which may be helpfully included within the guidance. These, alongside further examples of good practice will be included in the revision.



## Is the structure of the guidance appropriate?



The majority of respondents felt that the structure of the guidance was appropriate. A significant number of the comments which indicated that the structure was not appropriate referred to the fact that the guidance repeated significant elements for Education Authorities and for Independent and Grant-Aided Schools.

There were several specific suggestions made in relation to the structure. These included:

- that the guidance is very long, and that therefore efforts should be made to move some information to Appendices.
- that colour coding be used to identify which parts of the guidance apply to all responsible bodies; Education authorities and Independent and Grant-Aided Schools. Enabling those using the guidance to 'dip in and out'.
- that the separate sections for Education authorities and Independent and Grant-Aided Schools be brought together and where the approaches require to differ these be highlighted.
- that the legislative overview which forms part of chapter 1 be moved to an appendix of the document.
- that the contents page/index requires significant improvement

## Conclusion

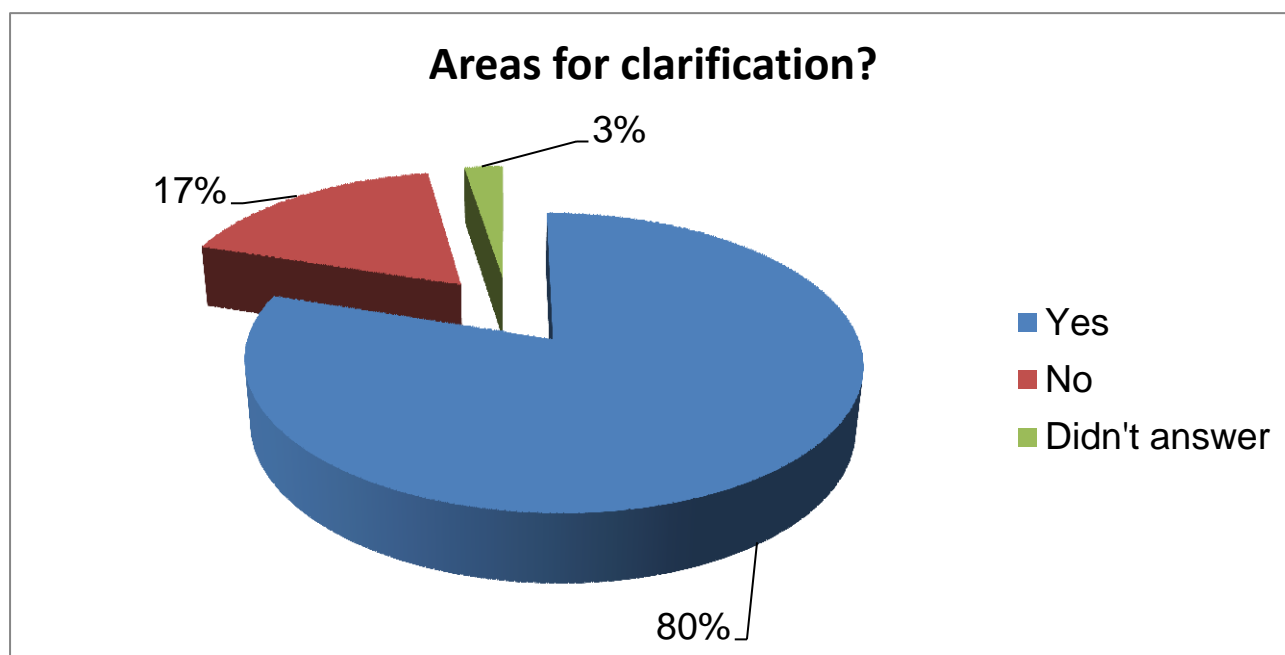
Officials recognise the issue of the length of this document and will work hard to strike a balance between ensuring information is available, and providing too much information in one place. Further use of appendices will be considered to resolve this.

In relation to the second and third bullet points, these clearly indicate two different ways in which to resolve the issue and both were proposed by several responses. Officials will work with stakeholders to establish their views on which route is preferred prior to publication of revised guidance.

The legislative overview part of Chapter 1 will be moved to an Appendix and will be signposted throughout the document

The index/contents page will have a further level of detail added to ensure signposting to specific elements of guidance.

## Are there any areas which you feel need clarification?



As indicated by the graph above most respondents felt that further clarification could be provided in some areas. As indicated earlier in this report, the responses to the consultation were very constructive and a number of suggestions were made. Taken together the comments do not focus on any single aspect or area of the guidance and there is therefore not particular consensus about areas for clarification. The picture is more one of areas throughout the document where clarification is needed.

For example, a few consultation responses indicated that it would be useful for the links to children unable to attend school due to ill health and hospital education could be made.

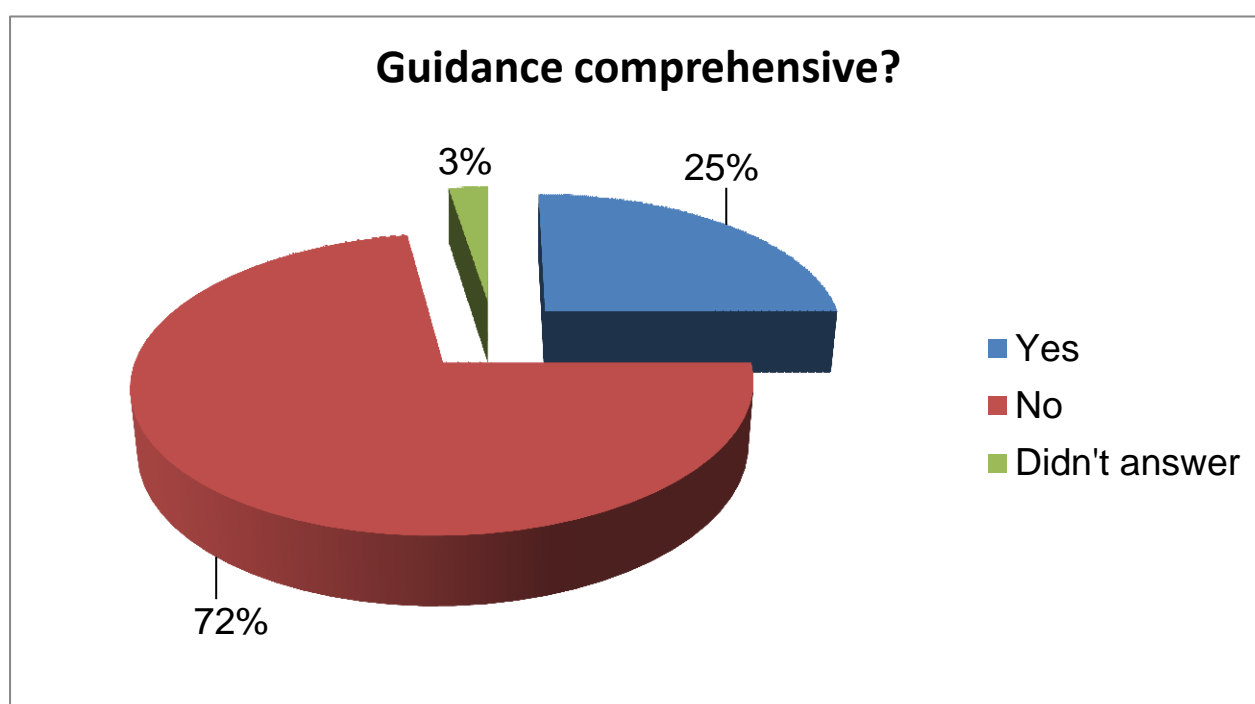
In a couple of responses the need to consult with children was noted, one response indicated a series of resources that could be referenced to support this.

Several responses indicated areas where signposts to other legislative frameworks/policy frameworks and guidance should be included, for example further information on 'direct and indirect discrimination'

## Conclusion

In revising the guidance, officials will consider the comments and suggestions on their merit and will wherever possible take action to give effect to the suggestions offered.

### Is there information missing? Or is the guidance comprehensive enough?



In relation to the question above it was noted that often respondents indicated that the guidance was comprehensive but also provided comments. This is therefore reflected in the presentation of those who were considered to have said 'No' above.

As indicated in response to the question above taken together the comments do not focus on any single aspect or area of the guidance and there is therefore not particular consensus about areas .

Some consultation responses indicated that the purpose of Accessibility Strategies was not present and should be an addition to the guidance.

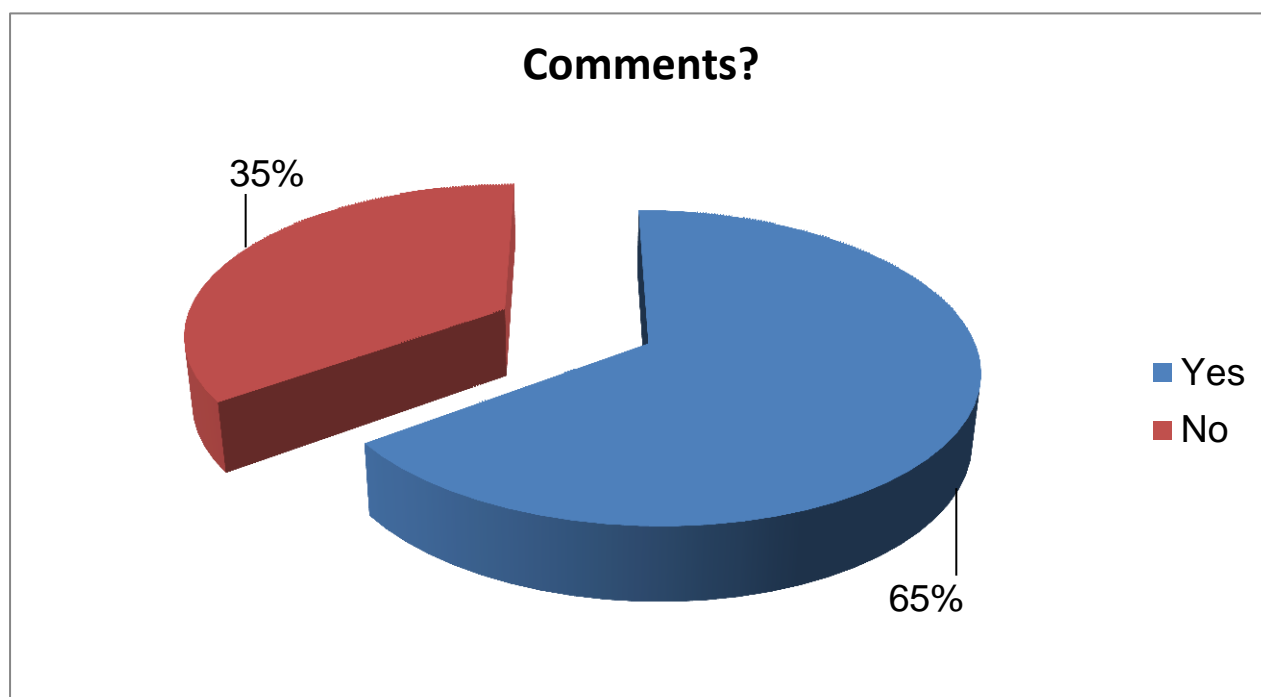
Exemplars of good practice were also requested, similar to those related to reasonable adjustments in other guidance, but again not in relation to any particular aspects of guidance.

Naturally, several consultation responses referred to the comments that had been made in relation to the previous question.

## Conclusion

In revising the guidance, officials will consider the comments and suggestions on their merit and will wherever possible take action to give effect to the suggestions offered.

## Any other comments?



A range of additional comments were provided in response to this question and as indicated earlier all will be considered on their merit and actioned accordingly. Some comments which featured in more than one response included:

The suggestion that the term children and young people should be used rather than 'pupils'

The use of the term ‘establishments’ rather than ‘schools’ to reflect that children and young people learn in a variety of settings.

The need to align this guidance more fully with the provisions of the Children and Young People (Scotland) Act 2014 (which was considered by the Scottish Parliament at the same time as this consultation was underway).

## **Conclusion**

Again, in revising the guidance, officials will consider the comments and suggestions on their merit and will wherever possible take action to give effect to the suggestions offered.

## **Summary Conclusion**

Overall, the revised guidance has been welcomed and has been accepted in broad terms. However, as was expected some areas for improvement have been identified. Most consensus from respondents was achieved around the structure of the guidance. The responses to the other questions indicated that some amendments were needed, but there was little consensus within the comments.

## **Next steps**

The next steps are to consider all of the comments in the revision of the guidance. It is intended that revised guidance will be published to align with the school term beginning in August 2014.

**Support and Wellbeing Unit**  
**2 May 2014**



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