

Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming

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November 2017

Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming

Background

Excellence and Equity for All: Guidance on the Presumption of Mainstreaming aims to bridge the gap between legislation, policy and day-to-day experience of decisions around placement, to ensure that local authorities have the guidance required to help their decision making in applying the presumption of mainstreaming. It is intended to provide guidance on applying the presumption and looks to encourage a child centred approach to making decisions around placement. As the implementation of the presumption of mainstreaming requires a commitment to inclusive practice and approaches to be effective, the guidance clearly links inclusive practice with the presumption throughout and includes key features of inclusion and guidance on how to improve inclusive practice in schools.

This consultation seeks views on the document and the responses to it will be used to inform the final version of the guidance.

Responding to this Consultation

We are inviting responses to this consultation by 9 February 2017.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/supporting-learners/presumption-of-mainstreaming>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 9 February 2017.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

mainstreaming@gov.scot

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the

provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to mainstreaming@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

CONSULTATION QUESTIONS

(If you are responding to this consultation electronically, to complete tick boxes, please double click on one of the boxes above and select the default value as 'checked').

Section 1 - Introduction

The introduction sets out the purpose of the document, a vision for inclusive education in Scotland, a series of key principles that underpin the guidance and a summary of the key legislative and policy milestones.

The vision for inclusive education in Scotland is -
'Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach, with an appreciation of diversity and an ambition for all to achieve to their full potential, is essential to getting it right for every child and raising attainment for all. **Inclusion is the cornerstone to help us achieve equity and excellence in education for all of our children and young people.**' (para 2)

Q.1 Do you agree with the vision for inclusive education in Scotland?

Yes No Don't know

If you selected yes or no, please explain why you either agree or disagree with this definition. If you disagree, please offer alternative suggestions.

The key principles that underpin the guidance are:

- Improve outcomes and support the delivery of excellence and equity for all children and young people
- Meet the needs of all children and young people
- Support and empower children and young people, parents and carers, teachers, practitioners and communities
- Outline an inclusive approach which identifies and addresses barriers to learning for all children.' (para 3)

Q.2 Do you agree with these principles?

Yes No Don't know

If you selected yes or no, please outline why.

Section 2 – Key features of inclusion – present, participating, achieving and supported

This section of the guidance sets out four key features of inclusion which can be used to set expectations and evaluate children and young people's inclusion in their learning environment – present, participating, achieving and supported.

Q.3 Are the expectations set out under each of the 'present, participating, achieving and supported' principles the right ones?

Yes No Don't know

If you selected yes or no, please explain why. If you have said no, please offer alternative measures.

Section 3 – Deciding on the right provision for a child or young person

This section sets out entitlements and options for provision and Annex B sets out a series of reflective questions to ask when deciding on the most appropriate provision for an individual child or young person.

Q.4 Are the entitlements and options for provision clear?

Yes No Don't know

If you selected no, please suggest ways in which this section might be improved.
Please state the relevant paragraph numbers.

Section 4 - How and why could the exemptions be applied?

This section sets out guidance on the three exemptions set out in legislation.

Q.5 Is the commentary and the reflective questions on each of the exceptions helpful?

Yes No Don't know

If you selected no, please suggest ways in which the commentary and reflective questions might be improved.

Section 5 – Delivering Inclusion

This section reflects on how to support the principles of inclusion (present, participating, achieving and supported) in and outside of school. It identifies the following key areas:

- Inclusive school values and ethos
- Leadership
- Constructive challenge to attitudes
- Evaluation of planning process
- Capacity to deliver inclusion
- Parental and carer engagement
- Early intervention, prevention and strong relationships
- Removal of barriers to learning

Q.6 Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

Yes **No** **Don't know**

If you selected yes, please suggest ways in which this section might be improved. Please refer to relevant paragraph numbers.

Q.7 Were the case studies helpful? Please tick the box that applies.

Yes **No** **Don't know**

If yes, please say why and if you would like further case studies or are content with the current number. If you selected no, please explain why and what would be helpful instead.

General

Q.8 Overall, is the guidance helpful? Please tick the box that applies.

Yes **No** **Don't know**

If you selected no, please explain your answer. If you selected yes, please indicate what was particularly helpful.

Q.9 Are there any other comments you would wish to make about the draft guidance on presumption of mainstreaming?

Thank you for responding to this consultation.

Please return a completed copy of respondent information form by email to mainstreaming@gov.scot or by post to Presumption of Mainstreaming, Support and Wellbeing Unit, Area 2C North, Victoria Quay, Edinburgh, EH6 6QQ.

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MINISTERIAL FOREWORD

Scottish education has an inclusive ethos. Everyone involved in the education of Scotland's children and young people is working towards a single, clear vision for Scottish education – **excellence and equity for every child and young person in Scotland.**



Each and every child and young person should be involved in their own education and have a voice to shape their experience. They should be provided with the support they need to reach their full learning potential.

We have made extensive policy and legislative changes over the past 15 years to enable those with additional support needs to thrive as part of their class, their school and their wider community. We must continue to make sure that all of our children and young people feel included and can participate and achieve to their full potential.

An inclusive approach affords all children and young people the opportunity to be a part of a community, boosting their emotional wellbeing and aiding the development of social skills. Scotland's inclusive approach celebrates diversity and allows all children and young people to develop an understanding and recognition of differences, contributing to the development of an increasingly inclusive, empathetic and more just society.

We are committed to mainstreaming as a central pillar of our inclusive approach to education. The Scottish approach to inclusion is already world-leading; our legislative and policy commitments are amongst the most extensive in the world. However, we must improve the *experience* of inclusion for all pupils if we are to deliver on the promise of such an ambitious framework. Being present in a mainstream school should not be the primary marker of successful inclusion.

This guidance aims to bridge the gap between legislation, policy and day-to-day experience, ensuring that children and young people have equitable access to a quality education which meets their needs and helps them achieve their full potential. Thank you to the Advisory Group on Additional Support for Learning and the Advisory Group on the Guidance of Presumption of Mainstreaming for your efforts in bringing this piece of work to fruition.

A handwritten signature in black ink, appearing to be 'JS', written on a white background.

JOHN SWINNEY MSP

DEPUTY FIRST MINISTER AND CABINET SECRETARY FOR EDUCATION AND SKILLS

1 INTRODUCTION

1. The purpose of this document is to provide guidance on the statutory requirement on education authorities to provide education in a mainstream school unless certain exceptions apply. This non-statutory guidance will present a vision for mainstreaming, building on the best available evidence on inclusive approaches to education. It will aim to touch upon other, complementary policies as part of a joined-up approach. The guidance has been developed to support **all** local authorities, **all** schools, and **all** teachers and practitioners. Further guidance for parents and carers will be developed to complement this document. It should be noted that this guidance also applies to early learning and childcare settings.

2. The Scottish Government believes that mainstreaming cannot be delivered without inclusion. Our vision for inclusive education in Scotland is below and has been influenced [by research by Professors Mel Ainscow and Susie Miles](#) :

‘Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach, with an appreciation of diversity and an ambition for all to achieve to their full potential, is essential to getting it right for every child and raising attainment for all. **Inclusion is the cornerstone to help us achieve equity and excellence in education for all of our children and young people.**’

3. There are four key principles underpinning this guidance and it must help to:

- improve outcomes and support the delivery of excellence and equity for all children and young people
- meet the needs of all children and young people
- support and empower children and young people, parents and carers, teachers, practitioners and communities
- outline an inclusive approach which identifies and addresses barriers to learning for all children.

4. Supporting the delivery of these principles are four key features of inclusion which can be used to measure whether or not inclusion is being delivered for all pupils. These are:

- Present
- Participating
- Achieving
- Supported

These features will be explored further throughout this document.

5. In the years since the legislative requirement was enacted through the Standards in Scotland’s Schools Etc. Act 2000, the legislative and policy landscape in Scotland has shifted considerably. Milestones have included, but are not limited to:

- Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002;
- Education (Additional Support for Learning) (Scotland) Act 2004 (as amended);
- the introduction of Curriculum for Excellence (CfE);
- the introduction of Getting it Right for Every Child (GIRFEC);
- Equality Act 2010;
- Children and Young People Act 2014;
- and, most recently, the National Improvement Framework (NIF) in the Education (Scotland) Act 2016 and education reforms;
- Initiatives such as the Scottish Attainment Challenge and the Pupil Equity Fund have also sought to close the poverty-related attainment gap and empower schools to help those children and young people who need support most.

6. Taken together, these frameworks require education authorities to consider a wide range of issues for children and young people. In addition to giving effect to the presumption of mainstream education, authorities also need to:

- Identify and provide the support required to enable children and young people to overcome barriers to their learning, including looked after children and young people;
- Prevent discrimination of pupils with disabilities and make reasonable adjustments to ensure equality of opportunity in learning;
- Plan for accessibility of the curriculum, school information and physical access;
- Consider the wellbeing of children and young people.

7. All these aspects underpin the decision about where a child or young person will learn and they contribute to the clear, single vision for Scottish education – **excellence and equity for every child and young person in Scotland.**

8. At present, despite the strength of the legislative and policy basis and the ambitious vision for all children and young people, more needs to be done, and more can be done, to get it right for every child and to ensure that they are all experiencing equity and excellence.

2 KEY FEATURES OF INCLUSION – PRESENT, PARTICIPATING, ACHIEVING AND SUPPORTED

9. There are four key features of inclusion which can be used to set expectations and evaluate children and young people's inclusion in their learning environment – present, participating, achieving and supported. These four features support the creation of an inclusive learning environment for all children and young people that enables them to reach their full potential.

PRESENT

Key expectations:

- **All** children and young people will be entitled to receive a full time education in a school which best suits their needs
- **All** children and young people should be fully engaged in the life of their school, through the inclusive ethos, culture and values of the school

10. The presumption of mainstreaming enshrines the right of all children to be physically present in mainstream schools. Presence remains a central issue in the wider debate on inclusion and is the feature upon which inclusive practices are founded.

11. Alongside the placement decision, which is addressed in greater depth later in this guidance, presence is evidenced by attendance at school. Included, Engaged, Involved – Part 1: Attendance in Scottish Schools is a useful document for directing schools on how to evaluate and manage attendance. It also provides proactive steps for schools to take to build the positive relationships which can prevent poor attendance. Presence is also evidenced by a reduced level of exclusions from school, where exclusion is the last resort in the context of promoting positive behaviour and relationships. This is also true of unlawful exclusions, such as children and young people being sent home for 'cooling off' periods, which should never be used without a formal planning process.

PARTICIPATING

Key expectations:

- **All** children and young people should have their voices heard in decisions about their education. This includes decisions on where they are placed
- **All** children and young people should have access to an excellent education
- **All** children and young people will have the opportunity to participate and engage as fully as possible in all aspects of school life, including school trips and extracurricular activity

12. Participation does not merely refer to school work, homework and involvement in subjects which may pose challenges for individual children and young people. Participation is also about addressing involvement in the wider school and local community; it is about feeling included as a peer, forming firm relationships and friendships and developing the skills which are so important to lifelong learning and success. Participation is full involvement in the life of the school through events, trips, school plays, and sports; it is about finding an avenue for children and young people to contribute and feel like that contribution is valued. All opportunities to participate in the life of the school should be available to all pupils, including those with additional support needs, and these should be appropriately supported.

ACHIEVING

Key expectations:

- **All** children and young people should be achieving to their full potential
- **All** children and young people should have access to a varied curriculum tailored to meet their needs

13. This guidance is very clear on the ambition the Scottish Government has for each and every child and young person in Scotland – all children and young people should receive the support that they need to reach their full potential, in learning, life and work. Curriculum for Excellence sets out children and young people’s entitlements to education through both the Broad General Education and the Senior Phase. These entitlements apply equally to all children and young people, including those who have additional support needs. The Education (Additional Support for Learning Act) (Scotland) 2004 (as amended) and the Experiences and Outcomes of Curriculum for Excellence enable a tailored approach to meeting the learning needs of all pupils. The **Delivering Inclusion** section of this guidance reflects on how this could be achieved, with case studies of best practice in Scotland that should inspire an ambitious approach for all children and young people.

SUPPORTED

Key expectations:

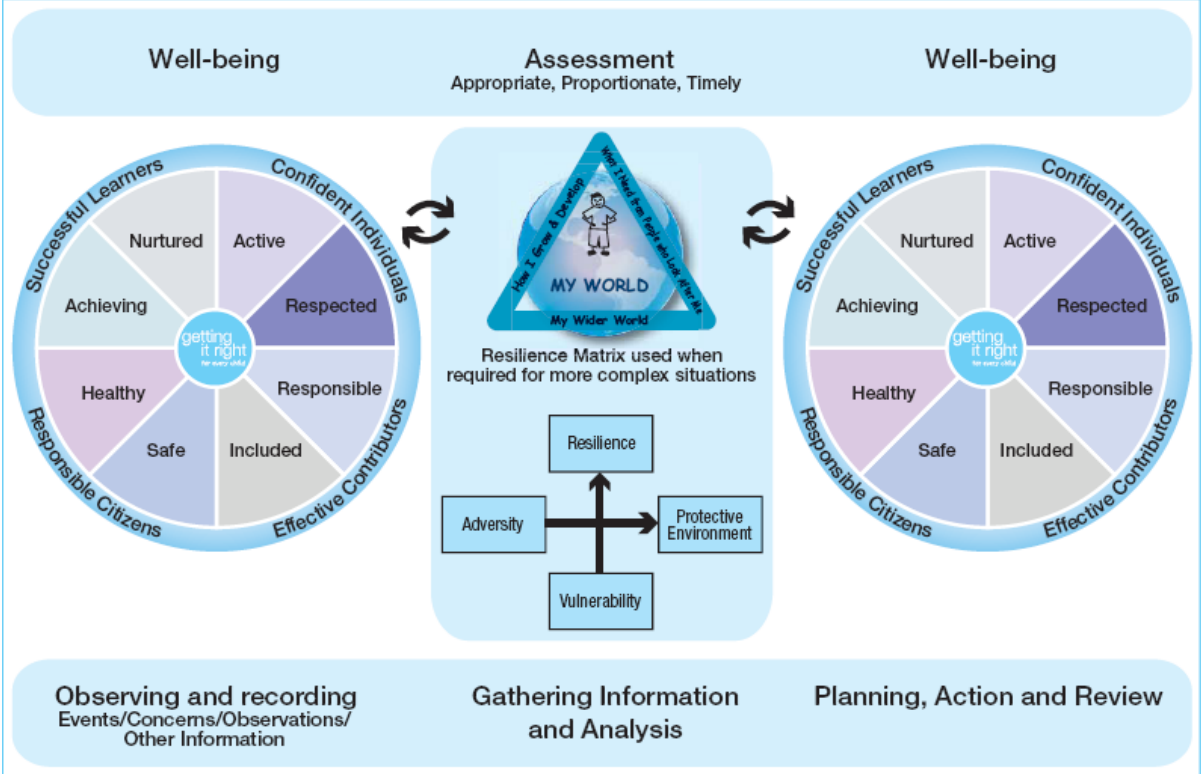
- **All** children and young people should be supported to overcome barriers to learning and achieve their full potential
- **All** children and young people should be given the right help, at the right time, from the right people, to support their wellbeing in the right place

14. Support is primarily about how children and young people are enabled to achieve their full potential and receive support for their wellbeing. To achieve their full potential, barriers to learning must be identified and addressed for all children and young people through personalised learning pathways.

15. In order to support the wellbeing of all children and young people it is important to consider the [wellbeing indicators](#) of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. Appropriate support should then be provided

to ensure wellbeing entitlements are delivered for all children and young people. This, in turn, will form part of the support they need to achieve their full potential.

The diagram below will provide a useful reference point when assessing wellbeing.

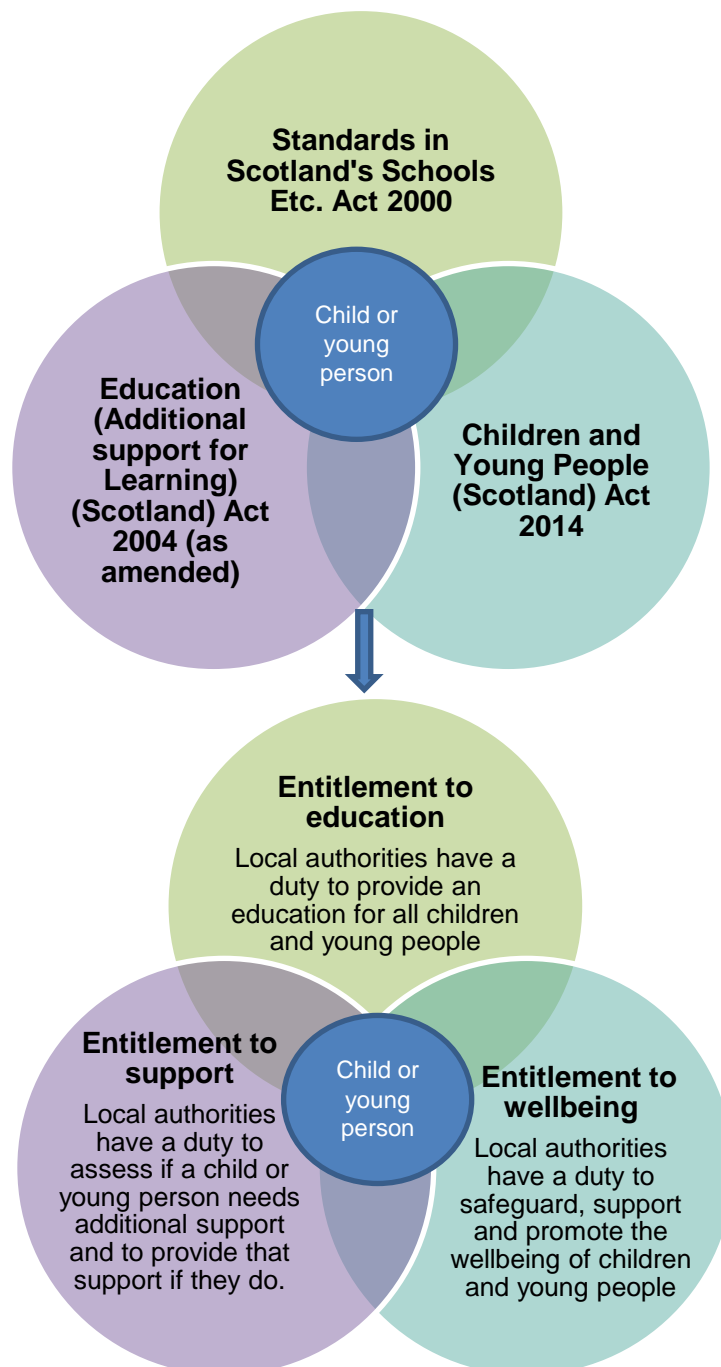


3 DECIDING ON THE RIGHT PROVISION FOR A CHILD OR YOUNG PERSON

16. This chapter is primarily aimed at local authority decision makers. The presumption of mainstreaming is not a blanket application. The legislation presents tests against which choices can be made. This section is for local authorities to support decision making.

ENTITLEMENTS

17. Under the legislative framework there are three core elements – education, support and wellbeing.



PRESUMPTION OF MAINSTREAMING – OPTIONS FOR PROVISION

18. The requirement to provide education in a mainstream setting has been in legislation since 2002. The legislative and policy landscape has evolved over time, reflecting increasing aspirations for Scotland's children and young people and changes in practice. This is also the case in relation to the way in which learning is delivered across the country. In Scotland, there is a range of provision available to meet children and young people's additional support needs. These include:

- **Mainstream** provision,
- **Special** school provision,
- Provision where the pupils' needs are met through a mixture of provision, either within a unit within a mainstream school or through a mix of two different provisions. This forms a package of learning and support to meet individual needs, often referred to as **flexible provision or shared provision**.

19. **Mainstream schools** are defined in legislation as provision that is provided usually by the catchment area primary or secondary school, or within a local primary or secondary school. Some mainstream schools also have a unit or base within them.

20. **Special schools** are also defined in law as schools who make provision wholly or mainly for pupils with additional support needs. Units or bases which are attached to mainstream schools (and which are wholly or mainly for pupils with additional support needs are in law, captured within the definition of a special school).

21. In addition to these two legally defined types of provision, there is in practice, an approach whereby a pupil is 'shared' between two types of provision. For the purposes of this guidance, we will use the term **flexible provision**. Flexible provision includes, for example:

- Where a pupil attends a mainstream school and a unit within another school or learning establishment (for example a third sector service)
- Where a pupil attends a special school and also has some time in a mainstream setting
- Where a pupil attends part of their time in two different schools across the week
- Where an older pupil attends school and college, to fulfil their entitlement to full-time education
- Where an older pupil attends school and also benefits from vocational opportunities as part of their full-time education.

22. In all circumstances these provisions are about meeting the identified needs of the individual child or young person concerned. Children and young people and their parents/carers have the right to express their views in relation to decisions that affect their education. This includes the decision on the type of provision made to meet the pupil's learning needs.

23. In **Annex B** there are a series of reflective questions to ask when deciding on the most appropriate provision for an individual child or young person.

4 HOW AND WHY COULD THE EXEMPTIONS BE APPLIED?

24. This section provides further considerations for local authority decision makers. During the decision making process the education authority will work with the school(s), parents and other partners to see what further adjustments can be made to ensure that the child or young person is getting the best possible support within their current provision. If there is doubt about the suitability of mainstream provision, it is the role of the local authority to use the legislation to weigh up the factors around the child or young person's wellbeing. A crucial facet of this is considering the three exemptions outlined in the Standards in Scotland's Schools Etc. Act 2000. These exemptions do not automatically apply and the onus is on the local authority to demonstrate why the exemption could apply.

25. The three exemptions are that mainstream education:

- | |
|---|
| <p>(a) would not be suited to the ability or aptitude of the child;</p> <p>(b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or</p> <p>(c) would result in unreasonable public expenditure being incurred which would not ordinarily be incurred</p> |
|---|

and it shall be presumed that those circumstances arise only exceptionally.

26. These terms deliberately do not overprescribe what the presumption of mainstream means in practice. Local circumstances can be very different and how efficient education can be provided will vary widely across local authorities. A difficult but essential role of local authorities is to strike a balance for the presumption of mainstream education for as many children and young people as possible.

27. Guidance on how these terms could be interpreted is included in this section, but it is important that local authorities take account of their local circumstances and priorities when arriving at decisions. To assist authorities in their decision making process, there are a number of self-reflective questions in this section. If authorities have answered these questions before deciding which provision best suits a child or young person, then the decision making process is more transparent for everyone involved, including parents/carers and the children and young people at the centre of the process.

ABILITY AND APTITUDE:

28. This guidance frequently refers to 'achievement' as being one of the key features of successful inclusion. It is essential that ambition is retained for all children and young people to enable them to fulfil their full learning potential. Ultimately, achievement is a personalised learning pathway. It can be progress towards personal goals or the opportunity to exceed perceived ability and aptitude with challenging and ambitious curricular and wellbeing targets. Achievement can also be more practical, and involve developing skills such as relationship-building and wider

life skills. Ideally, achievement is a combination of the two, utilising the mainstream environment to include those with additional support needs alongside other learners and to aid the development of a more inclusive and just society.

29. Regardless, achievement is about each and every child and young person fulfilling their full potential. If a child or young person is meeting learning targets and has a full experience of school life then they are being well supported by a mainstream education system. If they are not, or it appears that appropriate progress is not being made, then it is sensible to explore if they could be better supported in their current environment.

30. In circumstances where these options have been exhausted, the best option for that child or young person may be a flexible placement with specialist support or a placement in a special school. The benefits of such a choice must be clearly demonstrated in order to apply the exemption on ability and aptitude.

31. If a child or young person can be adequately supported to achieve their full potential then the authority must then reflect on the additional considerations of the other two exemptions.

REFLECTIVE QUESTIONS ON ABILITY AND APTITUDE

Identifying and assessing additional support needs

The Practice Model of GIRFEC provides the framework for considering the needs of all children and young people. At the core of the Practice Model are the following 5 key questions staff should use when assessing the needs of children and young people:

1. What is getting in the way of this child or young person's wellbeing?
 2. Do I have all the information I need to help this child or young person?
 3. What can I now do to help this child or young person?
 4. What can my department/school do to help this young person?
 5. What additional help, if any, may be needed from others?
- What information about the strengths, specific needs and support systems required for each learner with an additional support need do staff have access to? Have children and young people been able to contribute to this information?
 - Do staff understand the implications of this information for their work in supporting children and young people? How effective are they in applying it?
 - How do staff, children and young people and parents develop a good understanding of the barriers faced by children and young people when accessing the curriculum?
 - How are other agencies involved in the wellbeing of the child or young person?
 - Do children and young people and their parents or carers have curricular learning targets to work on at home and at school?
 - How are children and young people encouraged to become independent learners, expressing their views and making choices?

- Are staff aware of the system for alerting pupil support staff and educational colleagues to concerns?
- How are children and young people encouraged to be as involved as possible in all aspects of the school and community?
- Has the child or young person been able to achieve as expected by their class teacher? How has that been evidenced?
- How do you assess, track and monitor progress in learning for all children and young people including those on individual programmes?
- How are children and young people improving their wellbeing? How do you know they are making progress?
- Is the child or young person beginning to or continuing to achieve against wellbeing indicators?

INCOMPATIBLE WITH THE EFFICIENT EDUCATION FOR OTHER CHILDREN:

32. This exemption recognises that the inclusion of a child or young person with additional support needs within a particular classroom or learning environment may impact on the education of other children and young people. This is particularly likely to be the case in relation to disruptive behaviours, other support needs and wider disruptive factors. Local authorities must consider whether the placement of the individual child or young person within a particular mainstream environment may not be beneficial to that child or to the education of other children. This will require careful consideration, taking the full circumstances and evidence into account prior to reaching a conclusion. This includes de-escalation approaches and in exceptional circumstances may include physical interventions to ensure the safety of all pupils and staff. Local authority staff will need to handle these discussions with parents/carers with honesty and sensitivity, recognising that applying this exemption may feel like a rejection of their child by the school.

REFLECTIVE QUESTIONS ON EFFICIENT EDUCATION FOR OTHER CHILDREN

- How has the placement of this child or young person positively impacted on the education, wellbeing and wider experience of other children and young people?
- How will the placement of this child or young person adversely impact on the education, wellbeing and wider experience of other children or young people?
- How will the placement of this child or young person help overcome barriers to learning for the other children and young people? Equally, how might the placement of this child or young person present barriers to the learning of other children or young people?
- How will you balance the needs of all children and young people within the school?

UNREASONABLE PUBLIC EXPENDITURE:

33. Each local authority also has to consider what a reasonable level of public expenditure is within the context of their commitments. These commitments range from their legislative duties to the political commitments made by their elected members. The scale of resource available to adapt to a child or young person's needs must also be considered in light of the other exemptions, particularly as regards efficient education for other children. For example, if the cost of adapting a school environment to support one child or young person was such that it would significantly impact the ability of the local authority to fund the needs of the rest of school, then it is right that questions are asked about the desirability of that outcome. This is true for mainstream, special schools and other flexible provision.

34. Ultimately the delicate balancing of differing priorities is a complex and necessary task undertaken by local authorities. Local authorities must take into account the bigger picture around the child or young person, their parents or carers, their teachers, their school leaders and their school(s). They should carefully weigh the variables and produce an outcome that they feel is the best option for the child, their classmates and the wider financial health of the local authority. The questions below are designed to aid that process.

REFLECTIVE QUESTIONS ON UNREASONABLE PUBLIC EXPENDITURE

- How do we ensure that our resources are used most effectively? How do we ensure transparency and equity?
- How do we allocate resources to sustain improvement priorities effectively?
- What would the general benefit be to other pupils, in the long and short term, of the resource currently being proposed for the child or young person?
- To what extent do our approaches to resource acquisition and allocation improve outcomes for all children and young people?

5 DELIVERING INCLUSION

35. This section is for schools, teachers and practitioners to help guide their inclusive practice.
36. The core expectations of our inclusive approach in Scotland focus on being present, participating, achieving and supported.
37. This section examines how to deliver inclusion in school and outside school, focusing on eight key areas:
- Inclusive school values and ethos
 - Leadership
 - Constructive challenge to attitudes
 - Evaluation of planning process
 - Capacity to deliver inclusion
 - Parental and carer engagement
 - Early intervention, prevention and strong relationships
 - Removal of barriers to learning
38. In each of these areas there is a strong focus on children's participation – it is essential that they are active participants in the decisions which are being made about their education.
39. Building on *How good is our school?* (4th edition) (HGIOS4), this section is intended as a starting point for school leaders of all types of provision. It highlights examples of existing best practice in Scotland across all sectors.
40. This section directs all school leaders and staff, to think further about how they can incorporate, and build upon, the factors outlined in this section to create an inclusive approach.

INCLUSIVE SCHOOL VALUES AND ETHOS

41. Scotland's inclusive values and ethos are founded on a fundamental respect for the value of diversity. The following example from Nithsdale Road Nursery, Glasgow, where roughly 70% of children have English as an additional language, clearly demonstrates an inclusive ethos and values which engage children, and their families, in their learning.

Nithsdale Road Nursery, Glasgow

Staff are committed to developing and promoting children's home language while at the same time ensuring that children develop their skills in English. Bilingual story-telling sessions are run by staff. Families borrow bilingual and English story sacks to help them develop story-telling routines at home. A visiting teacher who supports children who have English as an Additional Language provides supplementary input to identified children. This supports their acquisition and usage of English language.

A small number of children with additional support needs have individual targets to help them make progress in their learning and social skills. All members of staff

carry small laminated cards on which the individual targets are printed. Staff members keep these cards to hand at all times in order that they can remind themselves of the individual targets and ensure that they support the children's learning needs.

Staff make good use of the twice daily staff meetings to exchange information about children and ensure that key information from the home to the ELC setting, and vice versa, is passed on. Staff collaborate with a range of partners, including speech and language therapists and physiotherapists, where support is required for individual children. For example, to meet the needs of one child with a range of complex additional support needs, staff in the setting liaised with a specialist nursery for children with complex needs and arranged a shared placement between both establishments for this child.

LEADERSHIP

42. Strong leadership is needed to promote the inclusive ethos and values and disseminate them throughout the school community. Leadership is not just held with the Headteacher – distributed leadership at all levels is needed to deliver real change and progress. This includes leadership from children and young people in their pupil councils or in other forms of representation to the school leadership team.

43. Staff must be empowered and challenged to use their knowledge of the children and young people in their class to drive forward inclusive practice. As the leader within their classroom, their approach, their attitude and their vision will be the one predominately experienced by the children and young people in their class.

44. Headteachers should create and perpetuate an inclusive ethos and vision while encouraging and supporting collaborative self-evaluation for self-improvement.

45. At Cardinal Winning Secondary School, a special school in Glasgow, the Headteacher has a clearly articulated vision for inclusion which looks as much at the experience of children and young people as it does at the wider inclusive ethos and vision of the school.

Cardinal Winning Secondary School, Glasgow

The Headteacher is clear that a key aim of the school is for all young people to feel safe, happy, included and valued in the school. He believes that it is not possible to 'gift a child or young person inclusion: they have to feel that they are included'. The school works very hard to ensure that young people do feel included. He places a strong emphasis on staff knowing young people's range of needs, including their additional support needs.

CONSTRUCTIVE CHALLENGE TO ATTITUDES

46. The Scottish Government believes that inclusion benefits all children. In HGIOS4 quality indicator (QI) 3.1, the features of an inclusive and equal school are well set out. Schools must ensure inclusion and equality lead to improved outcomes for all children and young people and that diversity is understood, valued and celebrated. It is essential that high expectations are retained for all pupils.

47. In the below example of New Stevenston Primary School in North Lanarkshire, staff are particularly effective at recognising the benefit inclusion brings to all children.

New Stevenston Primary School, North Lanarkshire

Staff recognise that having children with additional support needs in their school benefits all children as it helps children develop positive attitudes about diversity for later life. It also builds capacity in all staff to support a range of needs across the mainstream and Language and Communication Support Centre (LCSC).

Children in the LCSC and in mainstream classes feel that they benefit from the model of inclusion used in the school. They have age-appropriate friendships with mainstream and LCSC peers. Children in the LCSC are able to articulate the ASD traits and difficulties they have. They feel that staff and children across the school support them and use a range of strategies to help them learn and develop their skills. Children have well-developed, positive attitudes to each other and they see the benefits of the school embracing differences and diversity. Children say that staff are inspiring role-models and everyone has high expectations of them.

48. In a special environment, retaining high expectations for all children and young people is also very important and sometimes difficult. At Cardinal Winning Secondary School, this is particularly challenging due to the nature of some of the additional support needs.

Cardinal Winning Secondary School, Glasgow

One of the main challenges within a specialist provision is to ensure that staff and parents recognise that there is a balance between supporting the young people with the most significant needs to achieve and do their best, whilst recognising that there are young people who might be able to take on more challenge to help them move beyond the safety of the school environment.

Staff in Cardinal Winning recognise that some young people need the consistently high level of support that can be provided in their setting. However other young people may benefit from flexible provision that includes them in mainstream school for part of the time.

49. Teachers want the best for each and every child and young person in their class. The desire to provide a certain level of teaching and a level of support is what makes our teachers in Scotland exceptional, dedicated professionals. When there is a child or young person who has a particular additional support need, the teacher will want to feel that they have the training and the experience to support that child or young person as best they can.

50. Training removes stigma because training breeds confidence. If a teacher has been given a set of tools to use then they have the ability to adapt – without those tools, it is more likely that additional support needs can be seen as a barrier to the other children and young people in the classroom and not the benefit it can be.

EVALUATION OF PLANNING PROCESS

51. In HGIOS4 QI 2.3 and 2.4, several key themes of planning for learning are highlighted. All of these are relevant to the wider planning process, but this section is focussing on how the plans that are in place are formed, reflected upon and continually improved.

52. New Stevenston Primary are particularly effective at incorporating the teacher's reflections on a child's progress with the targets they co-create with the children in their class.

New Stevenston Primary, North Lanarkshire

Teachers in mainstream classes work very closely with specialist teachers in the LCSC to plan for individual children. They use resources, including staff resources, effectively to support progression in children's learning. They assess children's progress continually, and use a wide range of strategies skilfully to ensure that every child is supported and challenged.

Teachers differentiate learning experiences according to each child's needs and have high expectations that all children can and will make progress. Staff work closely together to plan lessons in which children make progress over time. Class teachers and LCSC staff ensure that learning opportunities meet the needs of all children.

Children work with their teachers to set themselves targets for their work. This makes them ambitious, responsible learners who push themselves to achieve high standards.

53. Effective self and system evaluation is at the heart of impactful school improvement planning.

54. As HGIOS4 QI 2.3 outlines, schools should have 'manageable processes to monitor and evaluate learners' progress' which provides 'clear information on their attainment across all curriculum areas'.¹

55. The example of St Eunan's Primary School in West Dunbartonshire highlights the relationship between positive communication, relationships and effective evaluation. Children and young people are active participants in their learning.

St Eunan's Primary School, West Dunbartonshire

Pupil voice is highly valued in the school. All children are able to contribute their views about school improvement and development through the learning and teaching focus group run by the school. As 'change makers' they are given the opportunity to feedback their views about their lessons. Staff value their input.

The experiences and outcomes of the curriculum are used well as a cornerstone to school improvement. Across the school, teachers make very good use of interdisciplinary learning to connect learning in mathematics and numeracy to other areas of the curriculum. As a result, children can talk about how they apply their numeracy and mathematics skills across their learning.

¹ Education Scotland, 2015. *How Good is Our School? 4th Edition*, 2.3

56. As with all school improvement planning, the most important factor is to understand what specific challenges to inclusion your school is facing and then to assess your capacity to deliver inclusion in the face of these challenges.

CAPACITY TO DELIVER INCLUSION

57. Capacity building is an important focus across education, not just in the context of mainstreaming and inclusion.

58. In the case study below from Auchinleck Academy, a secondary school in East Ayrshire, partnership and additional resource is often used to enhance the experience of the children and young people and increase capacity to deliver inclusion. Crucially, this resource can take many different forms: more specialist and support staff; employing different programmes to develop particular skills; or targeting different experiences that the school can facilitate. All schools should have a shared focus on flexibility and on the individual child or young person.

Auchinleck Academy, East Ayrshire

Staff have good knowledge and understanding of the needs of their learners and the local community. Staff make good use of intelligence gained through partners such as Community Police, Vibrant Communities and the Educational Psychology Service. This allows them to adapt and shape the personal and social education curriculum, associated programmes and interventions to the requirements of young people. The school's strong partnership work opens up options for young people.

PARENTAL AND CARER ENGAGEMENT

59. HGIOS4 QI 2.5 focuses on how schools can build positive relationships with families in order to improve learning and achievement. It also specifically highlights the role partnership working with others in the community can play to enhance support for families and, therefore, enhanced outcomes in key areas. [The National Improvement Framework driver of Parental Engagement](#) reflects further on how to engage parents and carers.

New Stevenston Primary School

Parents of children who attend the LCSC are fully committed to and engaged with the school. Parents feel strongly that the support provided in New Stevenston is appropriate for their child. They feel that the balance of mainstream learning with support is a positive feature of the school.

Parents spoke of their previous anxieties when they realised that their child's difficulties in language and communication could make it difficult for them to be taught in a regular mainstream setting. Some parents feel they 'had to fight' to get a placement for their child in the LCSC. All are very pleased with the placement and with the progress that their child is making.

They are particularly pleased at the level of communication on a regular, often daily, basis that they receive on their child's progress from the school. They feel that their children are making very good progress in learning and in developing social skills.

The only remaining areas of concern for parents are that they believe there is on-going uncertainty about stability of placement at New Stevenston. They worry that their child may be required to move to another setting when their needs are reviewed. A further concern that parents share is that due to them living out with the school's catchment area, they feel their child is not always part of a friendship community out of school. The school has taken steps to overcome this by inviting children and parents to regular events in the school.

60. HGIOS4 QI 2.7 outlines the shared foundations of partnerships, specifically a 'shared vision, values and aims which put the needs of all learners at the core of our partnership working'.² Positive relationships with partners are based on engagement, communication and a mutual appreciation of the work being undertaken to support children and young people to achieve their full potential.

61. Having these positive relationships in place will mean that schools can be more proactive and flexible, involving the appropriate and necessary partners when and where necessary.

EARLY INTERVENTION, PREVENTION AND STRONG RELATIONSHIPS

62. In HGIOS4 QI 2.5, the importance of early intervention and prevention is set out, particularly as regards the impact of socio-economic circumstances. Staff, in tandem with partners, should be informed and proactive, working to mitigate the impacts of socio-economic circumstances as part of removing barriers to learning.

63. Strong, positive relationships are essential to this work – not only between partners but with the families themselves. Just as the voice of children and young people should be listened to in their learning plans, 'families should be consulted in a meaningful way when staff are looking at progression from their service.'

REMOVAL OF BARRIERS TO LEARNING

64. IHGIOS4 QI 2.4 notes that when removing barriers to learning, 'positive and proactive steps' should be taken and this includes ensuring that: 'All children with a disability, health issue or social or emotional needs benefit from high-quality targeted support.'³ Partners are crucial in this process to provide targeted and specialist support in all environments and to ensure the improvement work being undertaken in the school is also being reinforced at home.

² Education Scotland, 2015. *How Good is Our School? 4th Edition*, 2.7

³ As above, 2.4

ANNEX A – LEGAL BASIS

Legal basis

What are the international rights for all children and young people?

The [UN Convention on the Rights of the Child \(UNCRC\)](#), especially articles 28 and 29, enshrine a set of fundamental educational rights for all children and young people.

These essential rights form part of the wider human rights and social justice approach of the Scottish Government. As the UK is a signatory of the UNCRC, the Scottish Government has sought to incorporate the spirit of the convention in our own laws and our policy approach in Scotland. For example, section 1 of the Children and Young People (Scotland) Act 2014 requires Scottish Ministers to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration.

The UK has also ratified the [UN Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#). Article 24 of this convention outlines the rights of disabled children and young people in education.

What are the specific and relevant duties under each piece of legislation?

The Standards in Scotland's Schools Etc. Act 2000, s2 (1) incorporates article 29 (1) of the UNCRC, stating that '*education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential*'. This duty is for all children, regardless of whether they require additional support to reach their full potential or not.

In support of this right, the process of deciding whether a mainstream provision is best suited for an individual child or young person has to take account of three interlocking factors:

1) The voice of the child and the three exemptions stated in section 15 of the [Standards in Scotland's Schools Etc. Act 2000](#).

These exemptions are explained in depth on p.11 – 14 of this guidance.

As always, the important thing with any decision is to get it right for every child and young person. Their voice, and the voice of their parents or carers, should always be considered in the decision making process. This right to be consulted is enshrined in the same piece of legislation, in s15 (4).

2) The duty to accommodate all additional support needs is set out in section 4 of the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(as amended\)](#) (“the 2004 Act”)

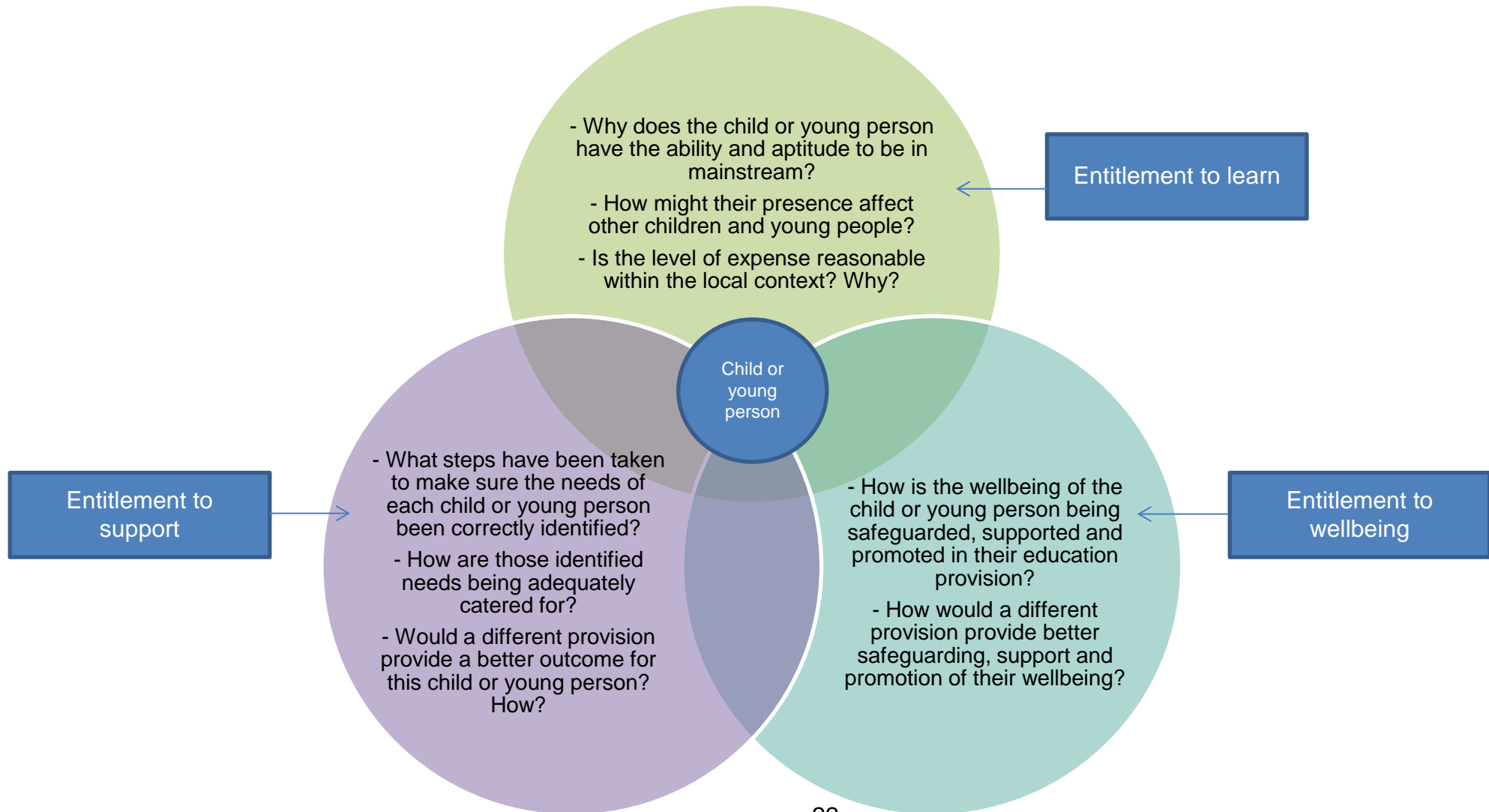
[The Supporting Children’s Learning Code of Practice](#), to accompany the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended), outlines what the above legislation means in practice.

The Code of Practice is currently being refreshed and will also be revised and published before the end of 2017 – the final version of this guidance will reflect the refreshed Code of Practice.

3) The duty to consider the wellbeing of the child or young person, as outlined in the [Children and Young People \(Scotland\) Act 2014](#). These duties have not yet been commenced however this practice is well established within the GIRFEC practice model.

ANNEX B – DECIDING ON THE MOST APPROPRIATE PROVISION

Questions of the following nature should be considered when deciding which provision is best for each and every child or young person





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