

**Report on the implementation  
of the Education (Additional  
Support for Learning)  
(Scotland) Act 2004**

---

**Report on the implementation  
of the Education (Additional  
Support for Learning)  
(Scotland) Act 2004**

© Crown copyright 2007

ISBN: 978-0-7053-1125-0

HM Inspectorate of Education  
Denholm House  
Almondvale Business Park  
Almondvale Way  
Livingston  
EH54 6GA

Tel: 01506 600 200

Fax: 01506 600 337

Email: [enquiries@hmie.gsi.gov.uk](mailto:enquiries@hmie.gsi.gov.uk)

Produced for HMIE by RR Donnelley B53219 11/07

Published by HMIE, November, 2007

This material may be copied without further permission by education authorities and education institutions in Scotland for use in school self-evaluation and planning.

The report may be produced in part, except for commercial purposes, or in connection with a prospectus or advertisement, provided that the source and date thereof are stated.

# CONTENTS

	Page
<b>1. Introduction</b>	<b>1</b>
<b>2. Executive summary</b>	<b>3</b>
<b>3. Planning for implementation</b>	<b>5</b>
Quality of strategic leadership and planning	5
Shared understanding of key aims and objectives	5
Arrangements for quality assurance	6
Transitional arrangements including consultation with partners	6
Joint training and awareness raising	7
<b>4. Transition arrangements</b>	<b>9</b>
Planning for changes in school education	9
Preparing for adulthood	9
Monitoring and review	10
<b>5. Meeting additional support needs</b>	<b>12</b>
Inter-agency cooperation	12
Assessment and intervention arrangements	13
<b>6. Co-ordinated support plans</b>	<b>15</b>
Applying the criteria	15
Quality of advice	17
Adherence to timeframes	17
<b>7. Working with children and families</b>	<b>19</b>
Quality of consultation and communication with families	19
Views of children and young people	19
Advocacy	20
<b>8. Resolving disagreements</b>	<b>22</b>
Quality of arrangements for resolving disputes	22
Resolving disputes by independent adjudication	23
Additional Support Needs Tribunals	23
<b>9. The way ahead</b>	<b>25</b>



## FOREWORD

I was very keen for HMIE to undertake this task. The Additional Support for Learning Act is a key piece of legislation in Scotland's efforts to achieve a more inclusive society and to give all young people the access to the learning opportunities they need in order to meet their potential. The Act also has a key role to play in the day-to-day preventative action that schools can take to be inclusive and to avoid longer-term blights such as the risk of not being in education, employment or training when they move on from school.

This report recognises that education authorities and schools have taken significant steps towards ensuring that all children and young people receive a more personalised education aimed at maximising success for all. The importance of intervention at the early stages, as well as prompt intervention at all stages is widely recognised by authorities. We have many examples of good practice in which authorities use multi-agency approaches to identify and meet the needs of children and families. Within schools, we have seen the importance of groups of professionals working closely together to improve the services they provide in meeting the learning needs of children and young people. In that respect, the role of professionals such as school nurses, family support workers and home-school link officers adds an invaluable dimension.

However, I am concerned that different interpretations of the legislation across authorities can lead to inconsistencies in implementing the Code of Practice associated with the Act. We need to resolve any such confusion by providing additional guidance where required. One aim of any further or improved guidance must be to achieve a fairer and more consistent approach to managing decisions about co-ordinated support plans for all who need them. Partnerships between agencies and schools are beginning to have a positive effect on the educational experiences of younger children. However, fully effective systems have yet to be put in place for identifying and meeting the needs of vulnerable young people who have ongoing support needs beyond school age, particularly those with learning disabilities, and looked after and accommodated children.

Helpfully, this report identifies ways in which the Scottish Government, authorities and schools can take action to improve the quality of partnership working between agencies, and the support provided for children and young people with additional support needs. Such improvements are necessary to ensure that we maximise everyone's potential and reduce barriers to learning. By doing so, we can improve the life chances, health, wealth and access to learning of all our young people.

Graham Donaldson  
HM Senior Chief Inspector  
October 2007



# 1. INTRODUCTION

In September 2005, Scottish Ministers asked Her Majesty's Inspectorate of Education (HMIE) to monitor and evaluate the consistency, effectiveness and efficiency of education authorities in implementing the Education (Additional Support for Learning) (Scotland) Act 2004 which came into force on 14 November 2005; and to ensure that procedures for implementation were in line with the duties of the Act 2004 and the associated Code of Practice. This report is the outcome of that evaluation. Its findings are based on fieldwork in local authorities and schools and consultation with a range of voluntary agencies supporting families of children and young people.

The main activities of this specifically focused task were:

- to undertake an investigation of the implementation of the new legislation on additional support for learning across all 32 education authorities in Scotland;
- to seek the views of stakeholders as to the effectiveness of the new legislation;
- to evaluate the impact of the new legislation in improving the quality of learning, progress and achievement of children and young people with additional support needs; and
- to provide an interim report and a final report to Scottish Ministers on the key findings of the task.

## Legislative and wider policy background

On 14 November 2005, the system of assessing and recording of children and young people with special educational needs was replaced by a framework based around additional support needs. The Education (Additional Support for Learning) (Scotland) Act 2004 defines 'additional support

needs' more broadly than special educational needs.<sup>1</sup> The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It promotes collaborative working among all professionals supporting children and young people. In doing so, it reflects a wider range of policies designed to further improve the quality of provision for young people with additional support needs. *Getting it Right for Every Child*<sup>2</sup> and *More Choices, More Chances*<sup>3</sup>, for example, emphasise the need for authorities and agencies to improve transition pathways and life chances for a broad range of children and young people.

## The framework for the task

Inspectors carried out a first phase of monitoring between September 2005 and February 2006 and reported directly to authorities on the strengths and areas for development that had emerged to date. HMIE published an interim report on its findings in October 2006.<sup>4</sup>

In the second phase of the task, HMIE revisited all authorities between September 2006 and March 2007. During this second phase, a sample of ten inspection visits was carried out by inspectors from HMIE with a background in social work and health.

Inspectors also visited schools within a sample of ten local authorities to speak to staff, parents<sup>5</sup> and pupils, and to discuss the impact of the legislation on young people and their families. In gathering further evidence to evaluate the effectiveness of implementation, inspectors carried out interviews with a range of voluntary groups supporting families and children and young people with additional support needs.

<sup>1</sup> The term 'special educational needs' was introduced by the Warnock Committee in 1978 and was incorporated into the Education (Scotland) Act 1980 as amended.

<sup>2</sup> 'Getting it Right for Every Child' was published for consultation in June 2005. The report sets out an integrated and child-centred approach to service delivery.

<sup>3</sup> 'More Choices, More Chances' 2006, is the Scottish Government's strategy for reducing the proportion of young people not in education, employment or training.

<sup>4</sup> The Interim report (2006) on HMIE initial findings in relation to local authority preparation for the Education (Additional Support for Learning) (Scotland) Act 2004 is available on the HMIE website: [www.hmie.gov.uk](http://www.hmie.gov.uk).

<sup>5</sup> The groups of parents were selected by the senior managers of the schools visited. A number of parents contacted HMIE independently to provide additional views on their children's experiences and levels of achievement.



The second stage of the task covered specific aspects of the Act. These were:

- the quality of strategic management, planning and quality assurance arrangements, including advice provided on implementing the Code of Practice;
- transitions and planning for changes in school education;
- meeting additional support needs and the impact on young people of inter-agency cooperation;
- assessment and intervention, and monitoring and review;
- co-ordinated support plans (CSPs) – application of the criteria and the quality of advice;
- working with children and families, including the quality of consultation and communication with young people and their families; and
- approaches to resolving disagreements.

**Description of evaluative terms used in this report**

The following words are used to describe numbers and proportions throughout the report:

almost all	over 90%
most	75-90%
majority	50-74%
less than half	15-49%
few	up to 15%

Throughout this report, the term, ‘the Act’, refers to the Education (Additional Support for Learning) (Scotland) Act 2004.

## 2. EXECUTIVE SUMMARY

Most authorities were effective in ensuring that their procedures for implementing the Act were in line with the duties of the Act and the associated Code of Practice. The most effective had built on existing good practice and developed joint strategic approaches with other agencies to meet the needs of children and young people with additional support needs. However, authorities varied in their effectiveness in implementing the key requirements of the Act. Most authority plans focused on the process of implementation. Few had given sufficient consideration at strategic management level to monitoring the impact of these processes on families and on the learning experiences of children and young people. Quality assurance arrangements linked to these plans were not sufficiently robust and authorities needed to move the focus from planning to action in meeting the needs of individual children and young people.

A clear relationship existed between the quality of strategic planning and the effectiveness of implementation across authorities. HM Inspectors found encouraging evidence that the broader concept of additional support needs was well understood by staff in education authorities and schools. In almost all authorities, the Act was seen within the broader context of inclusion and support for children and families. However, much work needed to be done to ensure that health and particularly social services staff were equally aware of their responsibilities within the Act and understood their roles. Most parents felt that their children were well supported by schools. However, children and young people and their parents were not well informed about either the new concept of additional support needs or their right within the new legislation to be involved in making decisions about the education provided.

Almost all authorities used a model of staged intervention<sup>6</sup> or staged assessment to guide and support their assessment and resource allocation. In the best practice, staff had reviewed their processes to focus on outcomes and on improving the learning experiences and achievements of children and young people. Such approaches were clearly helpful in providing a framework for intervention. A few authorities had combined their approaches to staged intervention with those of health trusts and social work departments. However, many parents felt confused about the status of non-statutory support plans introduced by a few authorities in addition to CSPs and individualised educational programmes (IEPs). Parents were also unclear about the alternative planning mechanisms used in a few authorities to establish whether a child or young person met the criteria for a CSP.

Multi-agency planning was beginning to have a positive effect on the educational experiences of some children and young people. Such planning was particularly effective at the pre-five stage where the work of pre-school assessment teams (Pre-SCAT)<sup>7</sup> and provision from pre-birth that was embedded within strategic planning processes was leading to earlier identification of children's additional support needs. Such work improved the co-ordination of support aimed at meeting their needs more effectively. A few schools had experienced difficulty in accessing health services and speech and language therapy services. However, school nurses were often delivering high quality training for school staff, advising on appropriate support and providing direct support to children and young people. In schools, joint assessment teams (JATs) or school liaison groups (SLGs)<sup>8</sup> offered approaches to meeting needs that

<sup>6</sup> 'Staged intervention' is the process used to identify and respond to the needs of children and families with additional support needs, using a multi-agency approach. The level of intervention required is measured against different levels of criteria according to the degree of need.

<sup>7</sup> The role of the Pre-School Community Assessment Teams (Pre-SCAT) is to ensure a co-ordinated approach to planning to meet the needs of young children at the pre-five stage.

<sup>8</sup> Joint assessment teams and school liaison groups are school-based multi-agency groups who meet regularly to provide solution-focused approaches to meeting the needs of vulnerable young people.

focused on finding solutions and overcoming barriers. A small number of authorities had jointly funded a clinical post in mental health with health services. Practitioners in such posts played significant roles as part of strategic groups and in working with school nurses to provide effective support for young people with mental health issues. Family support and home-school workers provided valuable support by acting as a link between families and agencies at transition review meetings.

In most authorities, new systems had yet to be implemented for identifying and meeting the needs of young people who had ongoing support needs beyond school age. In particular, through care and after care arrangements for children and young people with learning disabilities and looked after and accommodated children were unclear. Capacity issues existed in terms of the availability of adult services to support successful transitions. Although the task team found some evidence that support for looked after children was beginning to improve, most authorities required to co-ordinate services more effectively for these vulnerable children and young people.

Interpretation of the term 'significant' in the context of eligibility for a co-ordinated support plan varied greatly among education authorities. Almost all authorities felt that they needed clearer guidance on the criteria for such eligibility in order to reduce confusion surrounding the term 'significant', and advice as to whether the terms 'complex' and 'multiple' meant the same.

Arrangements for resolving disagreements between authorities and families were well established in most authorities. All had identified independent mediation services and provided training and general information to a few key staff and some parents. In the best practice, school-based co-ordinators, educational psychologists or parent officers provided direct information to parents prior to or at reviews of their children's progress. However, quality assurance arrangements for strategic planning in authorities did not make sufficient reference to the analysis of disputes to help inform improvements to the services provided. Most authorities had included information about the role of the Additional Support Needs Tribunals for Scotland<sup>9</sup> in leaflets for parents outlining their rights under the Act including recourse to the tribunal. Where families had used mediation services, both they and key staff in authorities felt that intervention had been effective and helpful in resolving the dispute.

<sup>9</sup> Additional Support Needs Tribunals for Scotland were established within Section 2 of the Act to deal with appeals in relation to co-ordinated support plans. Tribunals have statutory powers and cannot be influenced by Scottish Government or local authority policy.

### 3. PLANNING FOR IMPLEMENTATION

HM Inspectors monitored the quality of planning and implementation of the Act at strategic level during visits to local authorities. In particular, they focused on the quality of leadership and strategic management, planning and quality assurance arrangements, transitional arrangements including consultation and joint working between education, health and social services managers, and advice on the implementation of the Code of Practice.

Overall, authorities varied in their readiness to implement the key requirements of the Act. In those authorities which had built on existing good practice in joint strategic approaches to meeting the needs of children and young people, the implementation was at a more advanced stage and staff at authority and school level were more optimistic about the impact of the legislation.

#### Quality of strategic leadership and planning

All local authorities had formed multi-agency strategic planning groups at the commencement of the Act. A few had established these groups well in advance of enactment of the legislation. Multi-agency planning groups were often comprised of existing groups such as those involved in children's services planning. All included education staff and almost all included key players from the National Health Service (NHS), children's services and social work services. Few strategic planning groups included representatives from parents' groups, young people, community mental health services or voluntary agencies. Most strategic planning groups were linked to other groups which took responsibility for specific tasks within the implementation plan. Others were linked to discrete agencies to help disseminate and plan within their own service. In around three-quarters of the authorities, strategic planning was regarded by lead implementation officers as a key strength in implementing the Act.

In the best practices, authorities had provided their council, including elected members and school board forums, with early notification of and good information about the implications of the Act. Such approaches had served effectively as markers of the

cross-council importance of the new legislation. A few authorities indicated that they had also adopted this approach for pragmatic reasons in relation to possible funding requests, including the appointment of officers with responsibility for taking forward the Act.

All authorities had developed an improvement plan outlining the key targets, timescales, responsibilities and costs involved in the implementation of the Act. However, these varied in quality. In a quarter of authorities, managers at authority level needed to make strategic and operational plans clearer to help those at school level. In these authorities, staff at school level and their partner agencies were less clear about the about the key objectives and timescales for implementation, and the broader concept of additional support needs. In the best practices, headteachers, health and social work managers shared an understanding of the authority's key objectives and most were confident that the Act would have a positive impact on the learning experiences of children and young people.

In a few authorities, NHS staff were concerned about differences in the way that services are funded by the Scottish Government. They felt that annual funding had created difficulties in retaining staff. Most would prefer funding in three-yearly blocks to address the issue of continuity of staff with additional responsibilities for the implementation of the Act.

#### Shared understanding of key aims and objectives

In all authorities, the Act was seen within the broader context of inclusion and support for children and families. By March 2007, most had revised their policy on inclusion and other relevant policies and guidelines to take account of the new legislation and the broader definition of additional support needs. Almost all key staff in authorities said that they understood the new definition of additional support needs and its aim to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. However, only half of

parents of young people with additional support needs stated that they felt well informed about the new concept and understood its aims. Of the children and young people who were interviewed, only a small number were aware of any difference in the quality of support provided for them. These young people felt that their views were now more likely to be taken account of during and after their review meetings. Parents recognised that the Act had a potential impact wider than education and had significant implications for key partner agencies including health services, social work services and careers advisers. In only six authorities did staff at school level feel that the wider definition of additional support needs was understood fully by other agencies. Most felt that staff at operational level across education and health services were not well informed about the Act and Code of Practice. In half of authorities, there was significant scope to engage social work services more fully with the process of implementation. In these authorities, most social workers were not sufficiently aware of the implications of the Act for social work services as service providers. Several authorities had not yet provided training for social workers.

Voluntary agency staff felt well informed overall about the legislation and were frequently asked by authorities to provide training for stakeholders or mediation services. One voluntary agency representing young people in crisis had conducted its own poll about the impact of the Act with parents and families. It recorded that many parents felt that the Act had made no discernible difference to services and support for their children.

### **Arrangements for quality assurance**

Overall, authority arrangements for evaluating progress towards implementation of the Act and its impact on service users were not well planned. One authority had developed a multi-agency self-evaluation tool designed to monitor the impact of its policies and implementation plan on service

users. While most authorities had established some form of quality assurance through, for example, links between quality improvement officers and clusters of schools, quality assurance was generally carried out on a single-agency basis and was not sufficiently evidence-based. Most authorities tended to focus on the process of implementation and few had given sufficient consideration at strategic management level to monitoring the impact of these processes on families and on the learning experiences of children and young people.

### **Transitional arrangements including consultation with partners**

All authorities had issued guidance to schools and partner agencies which stated the key principles and objectives related to the Act and outlined their assessment procedures to support the transitional process<sup>10</sup> from Records of Need to CSPs. The majority of authorities made effective use of existing good practice, including staged assessment and intervention systems and approaches to managing and quality assuring IEPs. This was particularly helpful in anticipating the number of children and young people within the authority who might have additional support needs and those who might require a CSP. Under the new legislation, the factors which give rise to additional support needs include children's family circumstances, disability or health, social and emotional well-being, care and protection, or the learning environment. Most authorities had now taken account of the broader definition of additional support needs in reviewing their staged intervention processes. They recognised that staged processes would need to be expanded to take into account the wider definition of additional support needs and that current intervention strategies would require to be reviewed to encompass wider groups such as those supporting able children, looked after children and young carers. A small number of authorities had not yet undertaken an audit of existing provision. In several authorities,

<sup>10</sup> Within section 30, the Act allows a two-year transitional period to allow for children and young people with a Record of Needs to be assessed to establish whether they require a CSP under the new legislation. The transitional period ended on 14 November 2007.

the pace of implementing transitional arrangements was slow. Some authorities were awaiting the results of pilot studies intended to help staff to determine which children would require a co-ordinated support plan.

A few authorities had yet to clarify, for school staff and other professionals, the procedures for managing transition from Records of Need to co-ordinated support plans for children and young people in residential special schools or secure accommodation services, including timescales and arrangements for monitoring the process. There was concern in a few authorities that a shortage of places for children and young people who are looked after and accommodated meant that they were accommodated with independent providers who were less likely to fulfil the terms of the Act.

In a few authorities, information technology was used well to organise and support joint developments and ensure effective dissemination of information. Some authorities made good use of their additional support for learning websites. All recognised the potential of using information technology for effective sharing of assessment information about children and young people with health and social services colleagues. Although most were exploring a range of communication systems for this purpose, there were very few examples of good quality management and central recording of information.

### **Joint training and awareness raising**

Education services, social services, health professionals and other agencies have continued to strengthen their links to ensure joint working. All authorities had carried out some form of multi-agency training with key staff in raising awareness of the Act and Code of Practice. In three-quarters of the authorities, joint training was seen by staff as a key strength. A few authorities had appointed external consultants to audit existing provision and advise key staff on the main priorities for development in relation to the Act. Most had appointed additional staff such as development officers or implementation officers to take forward

initiatives at school level. In a few authorities, key staff, including headteachers, were unclear about who had overall responsibility for managing and implementing the Act and Code of Practice. In these cases, staff were also unaware of the main contacts in education, health and social services.

In the best practice, those authorities which had contiguous health boards were working along similar lines to neighbouring authorities so that health staff were able to develop similar procedures and practices. A multi-agency working group had been established in one region with representatives from three local authorities. Although there were separate steering groups in each area to take forward local issues, these authorities felt that there was added benefit in working collectively on some aspects of the Act, including mediation and producing information leaflets.

Almost all local authorities and NHS Boards had nominated lead implementation officers to work on planning for local implementation of the Act. A few NHS Boards had been particularly proactive in raising awareness of the Act with their practitioners. In the best practices, they had perceived the Act as an opportunity to further promote integrated working amongst partner agencies including health and education staff, particularly in relation to developing joint assessment procedures. One NHS Board had produced a helpful common language guide to assist partner agencies to understand health terminology across its authorities.

The nature of information disseminated to promote awareness of the Act and its implications varied widely. In addition to training sessions for key staff, all authorities had produced a range of written information for parents and staff across agencies. For example, most had issued leaflets and posters to teachers outlining their role in supporting the needs of all pupils. Most had issued, or were in the process of issuing, leaflets to schools and letters to the parents of young people with a Record of Needs to inform them of their rights. Almost all authorities had provided some opportunities for parents to familiarise themselves with the implications of the Act. Whilst many authorities



noted that uptake of parent places at training and awareness-raising days organised by the authority was often poor, the majority of parents interviewed by inspectors did not feel well informed about the Act. Most said they were more likely to receive information about the Act through friends and voluntary agencies. To some extent, this perception may have resulted from attendance at awareness-raising sessions where voluntary agencies had been commissioned by several authorities to provide training for parents. Parents did not always see these as education authority-organised events. Few authorities had taken particular note of the kinds of communication to which parents were most able to relate.

In a few authorities, in recognition of the wider definition of additional support needs, key staff understood the need to raise awareness of the legislation amongst all parents and staff and had written to and sent information about the new Act to teachers and the parents of all children within their authority.

### Key strengths

- Key staff in authorities, particularly lead implementation officers, had a very good understanding of the legislation and its aims.
- Where robust structures and systems and a range of quality provision to support learners were already in place, implementation was at a more advanced stage.
- Strategic planning was widely regarded as a key strength in implementing the Act.
- Many authorities had used the Act to develop or review their policy on inclusion.
- In the best practice, authorities and their partners saw the Act as playing an important role within the broad context of support for children and families.

### Areas for improvement

- Authorities did not have sufficiently robust agreements with independent providers for children and young people in residential special schools or secure accommodation services.
- Authority arrangements for evaluating progress towards implementing the Act and its impact on service users were not well planned.
- Parents' groups, community mental health staff and voluntary agencies were not sufficiently involved in local authority strategic planning groups.
- Social work services were not sufficiently engaged in implementing the Act.
- Authorities did not always provide sufficient information for parents, children and young people, telling them about their rights under the new legislation.

## 4. TRANSITION ARRANGEMENTS

Section 5 of the Act requires that an education authority provide additional support to certain disabled pre-school children in their area, normally those who are under three years old. Authorities must monitor numbers of children under three years receiving support and the nature of that support so that plans can be made to ensure that their needs are met on transition to pre-school provision.

Section 12 of the Act provides specifically for the period prior to a child or young person with additional support needs leaving school. Education authorities must approach, for example, any agency that they consider is likely to be involved with the child or young person in the future once they have left school. Authorities must take account of any provision other than education that they may need to provide when a child or young person ceases school education. This should be done at least 12 months before the child or young person is expected to leave school. This means it may be done when a young person is 15 years old or even earlier.

While improvements in planning for transition had improved notably in a third of authorities, in the majority there was scope for improvement.

### Planning for changes in school education

Most authorities had issued guidance on good practice in planning for changes in school education. In these authorities, there was an expectation of good practice at transition, usually beginning from the pre-school stage through to post-school provision. A few authorities were improving pre-birth services and extending these through to adulthood. The most effective had addressed this strategically by reviewing and updating their staged intervention policies to incorporate pre-school provision from pre-birth. The impact of this approach was to ensure improved continuity of provision for children from birth to three years. Systems of Pre-SCAT were also embedded within the staged intervention process.

This had led to earlier identification of children's additional support needs and more co-ordinated support to meet these needs more effectively. Several authorities had established integrated, specialist pre-five support teams. These included care co-ordinators, early years support teams, home teachers, nurture training groups<sup>11</sup> and teachers of English as an additional language<sup>12</sup>. Notably, most headteachers identified pre-school support as the most improving area of provision as a result of well-planned, increased support from a range of agencies.

In almost all authorities, annual reviews of children and young people's needs provided the focus for planning for changes in school education. Transitions from nursery classes that were co-located with their receiving primary, and from primary to secondary school were well managed within the timescales stated in the Code of Practice. A few vulnerable young people at S1/S2 thought they had benefited from summer schools between P7 and S1. These groups had enabled them to form relationships with new classmates and improve their interpersonal skills.

### Preparing for adulthood

The majority of authorities had appointed a transition co-ordinator at the post-school stage with responsibility for overseeing post-school transitions. Under a third of authorities felt that post-school transition arrangements had been less effective in meeting the needs of young people than transition arrangements at other stages. Staff expressed concerns about the quality of co-ordination and communication amongst agencies and access to appropriate adult services and resources. A few felt that links with further education colleges were developing to fill gaps in provision for, for example, young people not in education, employment or training<sup>13</sup> and as part of a wider strategy for this group. Timescales for college transition were

<sup>11</sup> Nurture groups are classes of ten or so children set up in primary schools with their own room, preferably in a central part of the school. The group is an integral part of the school's provision, understood and supported by all the staff. Training for nurture group staff emphasises the importance of valuing the child as s/he is and responding to them at whatever developmental stage they might have reached.

<sup>12</sup> English as an additional language programmes are taught by specialist teachers. They are designed to help students whose native language is not English.

<sup>13</sup> Such young people are usually 16-18 years old. A range of programmes have been designed to reduce the size of this group and improve the choices and life chances of these young people.



sometimes disrupted because review meetings were too early for colleges to confirm whether courses would be available. In almost all authorities, central staff were less clear about transitional arrangements for school leavers with a Record of Needs. Most had not considered these young people for a CSP during their final year of schooling.

Just under half of authorities expressed concern that adult services in both health and social services were not geared up to receive young people. These services did not currently support children effectively from child to adult services. A particular issue existed in through care and after care planning for children with learning disabilities. Authorities and agencies also needed to improve transition pathways for looked after and accommodated children and disabled children and young people. Capacity issues existed in terms of the availability of adult services to support successful transitions. In most authorities, new systems had yet to be implemented for identifying young people who had ongoing support needs when they left school. One authority was creating joint social and medical records for children and young people with disabilities to improve transition to adult services. Another was piloting a leavers' passport from school to post-school services. This authority had a system in place to monitor the effectiveness of transitions from special schools to post-school provision and from special schools to mainstream schools or alternative provision outwith the authority.

Most authorities had begun to embed vocational life skills and experiential programmes within the curriculum. In a few authorities young people were able to choose alternative routes to certification from S2. Special schools had particularly good leavers' programmes which focused on important social and vocational skills and supported young people to become independent.

## Monitoring and review

In almost all authorities, annual reviews provided the focus for planning for changes in school education. Overall, transitions from nursery to primary and primary to secondary school were well managed within the timescales provided. Transition co-ordinators monitored transition reviews to ensure that guidance was followed and children and young people's needs were being met effectively. Although a small number of authorities prepared children for multi-agency review meetings in advance, in most authorities, staff did not consult meaningfully with children and young people. In particular, further development was needed of approaches to consulting with and involving children and young people who lack capacity to make their views known. A few authorities needed to ensure that stakeholders, including partner agencies were aware of transition arrangements.

A few authorities commended the role of family support and home-school workers who were particularly helpful to families, and children and young people in transition. They often acted as links between families and agencies and took on the role of advocates at review meetings. A small number of authorities had experienced difficulty in planning reviews for itinerant children and young people.

### Key strengths

- School-based staff in most authorities welcomed guidance on good practice in planning for changes in school education for individuals.
- Embedding provision for children from pre-birth within staged intervention processes had led to earlier identification of children's additional support needs and more co-ordinated support to meet their needs more effectively.
- Integrated, specialist support teams had significantly improved the quality of planning to meet the needs of children at the pre-five stage.
- Transitions from nursery to primary and primary to secondary school were well managed within the timescales provided.
- Annual reviews of progress provided an effective focus for planning for changes in school education for individuals.
- Family support and home-school workers provided valuable support for families by acting as links between families and agencies at transition review meetings.
- Most authorities had begun to embed vocational and life skills within the curriculum.

### Areas for improvement

- Secondary school to post-school transition arrangements were less effective in meeting the needs of young people than transition arrangements at other stages due to difficulties in co-ordinating agencies and accessing adult services.
- Through care and after care planning for children in crisis and transition pathways for looked after and accommodated children and disabled children and young people were often ineffective.
- Children's services were not effective in helping children to make the transition from child to adult services.

## 5. MEETING ADDITIONAL SUPPORT NEEDS

Section 23 of the Act makes provision for other agencies such as health and social services to help education authorities to deliver appropriate support for children and young people with additional support needs. Although inter-agency cooperation was at an early stage in most authorities, almost all had plans in place for improving cooperation. In a few authorities, there was clear evidence that joint planning was beginning to have a positive effect on the educational experiences of some children and young people.

All authorities were moving towards a single, shared assessment framework for supporting children and young people who require additional support to learn. However, the majority were at an early stage in promoting collaborative working with partner agencies to support integrated assessment.

### Inter-agency cooperation

In almost all authorities, key staff at authority level were now able to identify the lead implementation officers in Children and Families Social Work and the relevant health board area for the Act. In most of these authorities, staff proposed to build on their existing approaches for assessment and intervention.

Communities of schools were widely regarded as central to driving forward the integrated approaches, although school-based staff interviewed in a quarter of authorities were not aware of the *Integrated Assessment Framework*<sup>14</sup>. In around half of authorities, schools had received helpful operational guidelines to improve partnership working. Almost all authorities had used the approach outlined through the *Integrated Assessment Framework* and *Getting it Right for Every Child* to guide their multi-disciplinary approaches to assessment. Most authorities had already delivered joint staff development to create a shared understanding of the roles and expectations of key staff. A number of authorities had combined the

requirements of the Act and Code of Practice with other key policies related to assessment and staged intervention such as *Assessment is for Learning*<sup>15</sup> and *Better Behaviour – Better Learning*<sup>16</sup> and *More Choices, More Chances* in an attempt to link together key policies underpinning inclusion.

Most headteachers, school-based staff and parents felt that inter-agency working was well-established and making most difference at the pre-school stage. In a few authorities, parents spoke particularly highly of early years support teams and the quality of early years assessment in ensuring that meeting the needs of children was now more effectively planned. A quarter of school-based staff and most parents thought that speech and language therapists gave particularly helpful advice to ensure appropriate IEP targets for children and young people with a range of communication and language difficulties, including autism spectrum disorders. A third of school-based staff thought that school liaison groups or joint assessment teams played key roles in promoting effective joint working and providing more solution-focused approaches to assessing the needs of children and young people. Although school-based staff noticed improved multi-agency involvement in assessment, a few expressed concern that social services professionals were less likely to attend JAT or SLG meetings and individual reviews of progress for children and young people. They noted that home link and family support workers often filled the gap left by social workers on these teams and at review meetings.

Many teachers and parents felt that school nurses were making a strong contribution to improving children's learning experiences. In one authority, parents felt that close and effective partnership between an NHS community-based working team of nurses and schools had made a real impact on the lives of their children. For example, significant, ongoing training for school-based staff and

<sup>14</sup> The aim of the framework is to provide a means by which services for children – universal and specialist – will be able to gather and share information, assess needs, plan and co-ordinate services for individual children.

<sup>15</sup> *Assessment is for Learning* is an approach to assessment which involves children and young people in their own learning.

<sup>16</sup> *Better Behaviour-Better Learning* (2001) was the report of the Discipline Task Group into ways to improve discipline in Scottish schools. In 2005, HMIE published *A Climate for Learning* which highlights effective practice in promoting good behaviour and provides an agenda for improvement.

classroom assistants resulted in effective communication with parents, well-planned IEPs and care plans, appropriate resources and access to wider curriculum activities. This had significantly improved the quality of their children's learning experiences and achievements.

### Assessment and intervention arrangements

Half of authorities regarded assessment as integral to the planning process. Whilst this approach was intended to lead to effective information sharing and multi-agency working, in most authorities, most assessment was carried out by single agencies using their own referral and assessment forms. These authorities had recognised the need to develop systems for more effective data sharing across other agencies, and most were exploring electronic systems for this purpose.

Almost all authorities used a model of staged intervention or staged assessment to guide and support their assessment and resource allocation processes. In the majority, the model of staged intervention being developed was multi-disciplinary, involving key partners in health and social services. In a few cases, education authorities had combined staged intervention approaches with those of health trusts and social work departments. The best practices had reviewed staged intervention processes to refocus provision on outcomes for children and young people and on improving their learning experiences and achievements. Although key staff in over half of authorities saw staged intervention as a strength, a few voluntary agency staff and most parents were concerned in some cases at what they perceived as additional bureaucracy attached to staged intervention processes. This was where authorities had introduced alternative planning mechanisms such as local assessment tools to establish whether a child or young person met the criteria for requiring a CSP and new support plans in addition to CSPs and IEPs.

Most authorities saw establishing the role, purpose and quality of IEPs as a key priority. They saw effective, high quality management of IEPs as a means to ensuring the needs of children and young people with additional support needs could be met effectively. Most were looking to the staged intervention process as the central mechanism for determining the number of IEPs required across the authority.

In around half of authorities, developing robust quality assurance systems to ensure that IEPs were sufficiently dynamic to improve outcomes for learners was a high priority. A small number of authorities were making effective use of the generic quality indicators for children's services<sup>17</sup> to develop integrated working. A few authorities had introduced new multi-agency support plans to support children and young people who did not meet the criteria for a CSP. Although parents and schools welcomed these additional support plans overall, the majority were confused about at which stage of the intervention process pupils would qualify for such a plan. Nor was it sufficiently clear to them how an additional multi-agency support plan would differ from a co-ordinated support plan, other than the fact that a CSP is a statutory document. A further issue concerned the link between learning objectives as outlined in the Code of Practice and co-ordinated support plan, and long-term targets set within IEPs. A few authorities had requested additional guidelines on this issue given the apparent similarity in the purpose of both.

Most authorities expressed concern about the number of children and young people who might be identified as having additional support needs. A few social work staff had rightly identified the need for social workers and care staff to further develop joint assessment and recording procedures and to combine care plans and IEPs for children and young people with social, emotional and behavioural difficulties. However, in almost all authorities there

<sup>17</sup> A guide to evaluating services for children and young people using quality indicators, HMIE 2006, provides advice on self-evaluation.

was scope for further development of integrated approaches to assessment and intervention by care and education staff, particularly in supporting the needs of looked after children and young people.

Authorities were beginning to improve support for meeting the needs of looked after and accommodated children. In less than a third of authorities, staff thought that practice in meeting the needs of looked after and accommodated children was improving. A small number of authorities had moved to assess all their looked after children to establish whether they needed a CSP and a few had established clear procedures for supporting looked after and accommodated children in schools. These included flexible teaching, homework, examination support, nurture groups, resilience-based initiatives, transition support and training. In these authorities, there was a good awareness among staff and agencies of appropriate support and procedures and staff were more aware of the recommendations in *Looked After Children and Young People: We Can and Must Do Better*<sup>18</sup>. A few education authorities were beginning to address mental health issues in children and one authority was exploring Child and Adolescent Mental Health Services as a possible alternative to secured accommodation places for some children and young people for whom this was appropriate. A few authorities had also recognised the need to look at the effectiveness of provision for young carers and the provision of local young carer support. However, this process was at an early stage of development.

### Key strengths

- Authorities were making some progress towards single, shared assessment frameworks for supporting children and young people who require additional support to learn.
- Staged intervention approaches which combined multi-agency approaches and provision that was focused on outcomes for children and young people were helping to meet individuals' additional support needs.
- Authorities recognised the key role of IEPs in meeting needs and the importance of quality assurance systems to ensure that IEPs were sufficiently dynamic and flexible to meet the additional support needs of learners.
- The contribution of school nurses and speech and language therapy services to joint working in meeting children's needs was often effective.

### Areas for improvement

- Joint assessment and recording procedures were not sufficiently developed and care plans and IEPs were not combined for looked after children and young people and those with social, emotional and behavioural difficulties.
- The role and status of additional educational and multi-agency support plans were not always clear to parents and schools. A few parents and schools were confused about at which stage of the intervention process pupils would qualify for such a plan.
- Although planning to meet the needs of looked after and accommodated children was improving, practice across authorities varied considerably.
- Few authorities had effective provision for children and young people with mental health issues and those who were young carers.

<sup>18</sup> The Scottish Executive report, *Looked after children and young people: we can and must do better* (January 2007) sets out 19 specific and targeted actions for improving the educational outcomes of Scotland's looked after children and young people.

## 6. CO-ORDINATED SUPPORT PLANS

Section 2 of the Act requires authorities to prepare a CSP for children and young people with enduring additional support needs that have a significant, adverse effect on their education and require support from outwith the education authority<sup>19</sup>. CSPs should focus on supporting a child or young person to achieve learning outcomes and assist the co-ordination of services from a range of providers.

Across all authorities, most key staff, parents, partner and voluntary agencies expressed concern in relation to the term 'significant' and its links to eligibility for a CSP. Consistency in interpreting the legislation surrounding the criteria for a CSP varied greatly across education authorities. There was not yet a standardised approach nationally. Although most authorities made reference to the decision-making tree in Chapter 4 of the Code of Practice, a few had developed their own decision-making tool based on the Code. Almost all authorities wished to have clearer guidance on the criteria for a CSP in order to relieve the apparent confusion on how much support was 'significant' and whether the terms 'complex' and 'multiple' meant the same. A significant number of key staff in authorities believed, mistakenly, that where a child or young person's needs were being met within the school and existing resources, they did not meet the requirements for a CSP.

Almost all authorities had policies outlining authority arrangements for the identification and provision for children and young people with additional support needs including those who require a co-ordinated support plan.

### Applying the criteria

Most authorities had a central steering group of multi-agency staff to oversee and make decisions about which children and young people should have a CSP. The groups generally had a quality assurance role. Their purpose was to ensure fairness and a consistent approach to managing decisions

about co-ordinated support plans, to build parents' confidence in the decision-making process and to remove the overall responsibility for decision-making from school-based staff. Authorities described this group as a 'validation' group or 'multi-agency scrutiny' group. A small number of authorities had jointly funded clinical posts in mental health with health services. These practitioners played significant roles as part of strategic groups and in working with school nurses to provide effective support for young people with mental health issues. The majority of authorities had arranged multi-agency training days to focus key staff on the criteria for preparing a CSP and to provide an opportunity to write a CSP. Most authorities had appointed staff to oversee the criteria for determining whether children required CSPs and the quality of the content of the plan.

A quarter of authorities had provided children and young people with more robust IEPs where they did not meet the criteria for a CSP. A few parents felt confused about these non-statutory support plans. Targets set within these plans were almost always wholly generated by the education authority, although in most cases consultation with appropriate agencies had taken place prior to drafting the plans. Voluntary agency staff reported that parents were confused by the range of planning formats being offered in some authorities which were neither CSPs or IEPs. The quality of CSPs and additional support plans varied across authorities. Where appropriate training had been provided for staff in writing CSPs, the quality was generally good. A few were not sufficiently comprehensive and targets set within CSPs were not SMART.<sup>20</sup>

A small but increasing number of authorities had agreements with residential special and secure accommodation providers about whether children and young people placed there should have CSPs. Authorities rarely assessed children and young people with social emotional and behavioural

<sup>19</sup> Legally, the terms 'education authority' and 'local authority' mean the same. In the context of co-ordinated support plans the point being made is that the child or young person may require support additional to that available from the education authority carrying out its education functions. This could be from social work services in the authority and/or support required from an appropriate agency.

<sup>20</sup> SMART is an acronym for Specific, Measurable, Achievable, Relevant and Timed.



difficulties to establish whether or not they met the criteria for CSPs. Where children with social, emotional and behavioural difficulties had CSPs, in some cases, the plan did not contain learning targets.

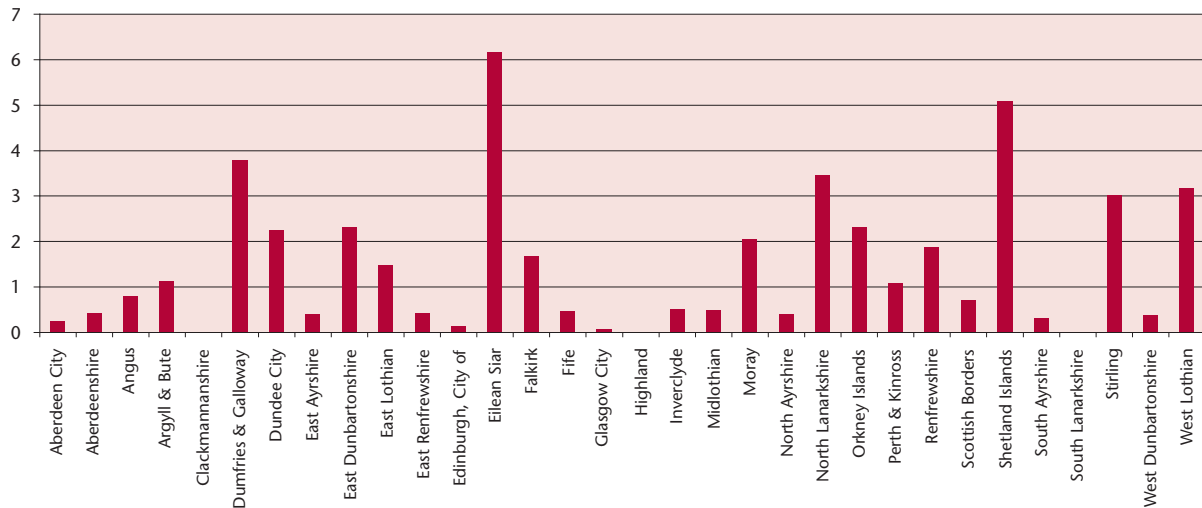
Just under half of the authorities were looking at their ICT infrastructure and possibilities of using a database with restricted access to enable key multi-agency staff to share information effectively. The database would keep up-to-date, key information about the numbers of children and young people with additional support needs, including those with CSPs or support plans such as IEPs.

Where CSPs were prepared, most parents were satisfied with the process and outcomes. However, the majority of parents and voluntary agencies were not confident that multi-agency services identified at

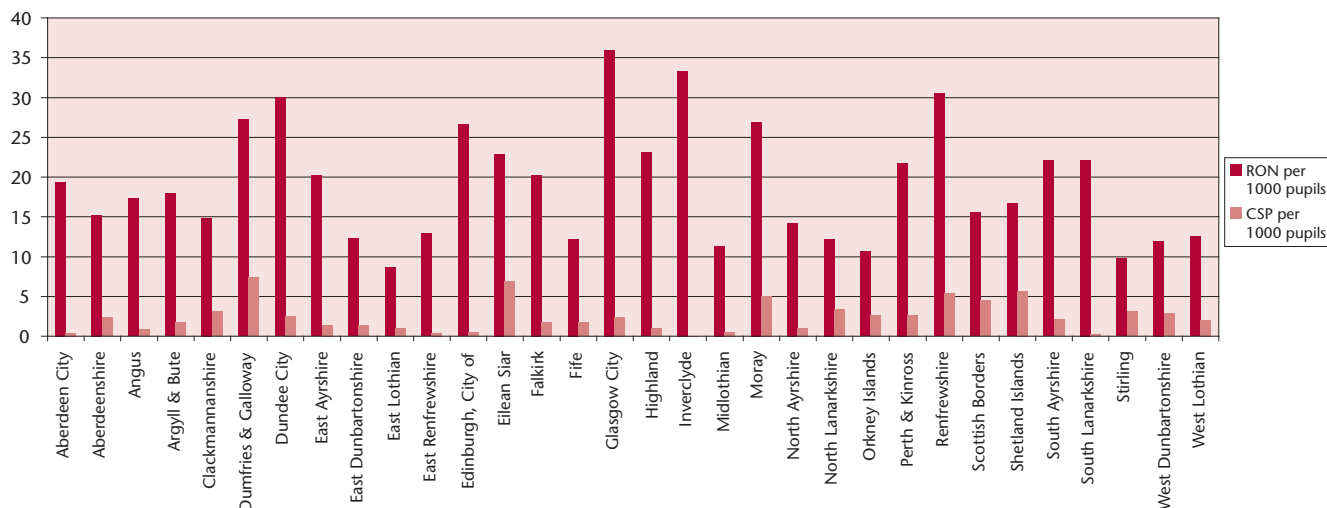
the assessment stage for their children would be provided. A third of authority-based staff and most parents and staff from voluntary agencies were concerned at the low number of CSPs which had resulted from the procedures for managing transition from Records of Need to co-ordinated support plans. In most schools, headteachers and classroom teachers felt that the number of children and young people with CSPs was too low.

The following charts provide information about the numbers of children and young people who had or did not have a Record of Needs at 14 November 2005 and who now have a co-ordinated support plan. It is clear from the charts that the proportion of children and young people with CSPs varies widely across authorities. (Note: Where the number of children or young people is fewer than five, this appears as zero on the charts).

**Children/young people who did not have a Record of Needs (per 1000 pupils) and who now have a co-ordinated support plan.**



Children/young people with a Record of Needs at 14 November 2005 (per 1000 pupils)  
and who now have a co-ordinated support plan.



### Quality of advice

Although a small number of authorities had appointed educational psychologists as central co-ordinators, almost all authorities did not see the co-ordination and management of co-ordinated support plans as the role of the psychologist. Along with education authority-based development officers, psychologists in almost all authorities provided co-ordinators at school level with important and valuable advice and training on a wide range of issues related to the Act and criteria for preparing a CSP. They were particularly helpful in assisting school-based staff to make decisions about whether the criteria for preparing CSPs were satisfied, and provided advice in writing plans, including educational objectives. In the best practice, authorities had provided helpful training for agencies and school-based staff on joint writing of educational objectives. One authority had developed a helpful target bank of educational objectives for CSPs to assist staff with examples of SMART targets. Some voluntary agency staff thought that key staff responsible for writing CSPs would benefit from seeing clear, well-written examples of CSPs.

### Adherence to timeframes

A key issue for authority-based and multi-agency staff concerned the statutory timescales for completing assessments. Health and social work managers in just under half of authorities expressed concern about their capacity to respond to a request for help from an education authority in assessing a child or young person within the statutory ten-week period from the date that the request was made. Education authorities serving island areas had experienced problems when allied health professionals only visited islands on a three monthly basis. If, for example, a medical appointment with a child was missed, the authority found it difficult to comply with the timescale. A few authorities had experienced difficulty in ensuring that requests to assist them in carrying out an assessment were directed to the appropriate health professional. Most authorities had experienced difficulty in sourcing information to assess young people presented to them as 'cold cases' within the timescales. Further timescale issues related to cross-authority placements of children and young people and lack of clarity about the duties of independent providers. Staffing issues and heavy caseloads were also an issue, particularly for speech and language therapy managers.



### Key strengths

- Policies outlining authority arrangements for the identification and provision for children and young people with additional support needs, including those who require a co-ordinated support plan, had been shared with key staff.
- The multi-disciplinary approach to overseeing decisions about co-ordinated support plans was improving inter-agency working in most authorities.
- Educational psychologists in most authorities provided co-ordinators at school level with important and valuable advice and training on a wide range of issues related to the Act and criteria for preparing a CSP.
- Practitioners in Child and Adolescent Mental Health Services played a significant role as part of strategic groups and worked with school nurses to provide effective support for young people with mental health issues.
- Where appropriate training had been provided for staff in writing CSPs, the quality was generally good.

### Areas for improvement

- Consistency in interpreting the legislation surrounding the criteria for a CSP varied across education authorities.
- The existence and status of alternative support plans caused some confusion among parents.
- Almost all authorities had experienced difficulty defining the term 'significant' and its links to determining eligibility for a CSP.
- Most authorities were unclear about whether the terms 'complex' and 'multiple' meant the same as 'significant'.
- Too few authorities had agreements with residential special and secure accommodation providers about whether children and young people placed there should have CSPs.
- Some key staff were unclear about procedures for the implementation of co-ordinated support plans, and had misinterpreted the advice in the Code of Practice criteria for preparing CSPs in relation to meeting needs within existing resources.
- The majority of authorities had experienced some difficulty in sourcing information within the timescales set within the Act.

## 7. WORKING WITH CHILDREN AND FAMILIES

Within the Act, all children and young people and their parents should be encouraged to participate in decision-making processes and have the opportunity to make their views known about decisions which affect them. The Act serves to strengthen further the involvement of children, young people and their parents in working with authorities to reach decisions which enable children to benefit from education. These decisions include whether a co-ordinated support plan is required and choices about the nature of support required. Good communication with families is therefore essential to enable them to influence decisions made about children's learning.

Although almost all parents felt well supported and informed about their children's progress by schools, three-quarters of parents were critical of authorities in relation to raising awareness of their rights within the new legislation and advocacy.

### **Quality of consultation and communication with families**

Most authorities included parents on implementation or reference groups. Notably, where parents were members of strategic planning groups, they perceived themselves as equal partners. In most authorities, the main approach to providing information to parents about their rights within the Act was through issuing leaflets to schools. Sources of information included posters, amendments to parent handbooks to take account of the Act and newsletters which raised awareness of the legislation and provided advice on the rights of children and young people and their parents. Other forms of information issued to parents included leaflets about mediation and dispute resolution, most frequently asked questions about the Act and quick reference guides to the legislation for parents. In a few authorities, parent co-ordinators and voluntary agencies operated a phone line for parents which was widely used to respond to enquiries about education-related issues and the Act.

General information workshops about the Act had taken place prior to implementation in most

authorities with special interest groups and school boards. In one authority, parents were directly involved with and consulted about the piloting of co-ordinated support plans. However, in almost all authorities, this information had been issued only to parents of children and young people with Records of Needs and not to all parents.

Parents' forums were regarded by most authorities as the most effective means of consulting systematically with parents. However, over half of parents were unaware of parent forums in their authority. A few voluntary agencies stated that parents of children and young people with social, emotional and behavioural difficulties did not join parents' panels or support groups. A few authorities had built on existing regular meetings and used these to discuss local authority policy with parents, including implementation plans for the new legislation. Parents varied considerably in the extent to which they felt involved in the implementation process. A few had not been informed about transitional arrangements. It was unclear whether parents of children and young people attending independent or residential special schools outwith the local authority had been informed of changes in the legislation.

More than half of voluntary agency staff reported that parents approached them to access advocacy as a route to accessing services and in order to avoid disputes with authorities and tribunal referrals.

### **Views of children and young people**

There was considerable scope across most authorities for developing approaches to involving children and young people in a meaningful way about decisions which affect them. Meaningful consultation could include, for example, focused discussion with a range of young people with additional support needs and, where appropriate, using advocates, communication support workers or specialist equipment. A few authorities had begun to involve children and young people in discussion and in some cases had employed outside consultants to facilitate and advise on this.

However, most of these developments were not yet fully implemented. Most authorities planned to consult children and young people through pupil forums and conferences, school councils and the reviews of progress. In the best practice, authorities had produced timelines and action plans for their consultative and information-disseminating work with children and young people.

Most authorities were at an early stage in developing their approaches to consulting with and involving children and young people who lacked capacity to make their views known. Reasons for this lack of capacity might include mental illness, developmental disorder or learning disability, or inability to communicate because of a physical disability, where an alternative means of communication or interpretation (human or mechanical) would assist that child or young person to make his or her views known. A small number of authorities were planning to appoint a children's rights officer to develop consultation with children and young people and some had issued booklets for children explaining procedures in child-friendly language. However, almost all authorities recognised that work needed to be done to include the voices of children and young people appropriately.

Voluntary agencies identified some examples of good practice in consulting with and involving children and young people with additional support needs in their own provision. These included:

- care or mobility reviews and life-skills training for young people due to leave school;
- mock reviews and guidance for young people prior to reviews about their progress;
- pupil versions of multi-agency reports;
- post-school support for parents;
- advocacy for learning into adulthood;
- outreach services;
- careers fairs for young people with sensory impairment attended by universities and colleges; and
- work with ethnic minority disabled groups.

Although few children and young people interviewed for the task were able to identify improvements in their provision, all felt that support that they received from the school and partner agencies was helping them to make progress. Most were able to describe whole school systems for taking account of pupils' views on provision in general. In primary schools, peer supporters and classroom assistants who worked with pupils sometimes discussed the format of reviews with them in advance. In secondary schools, pupil support staff explained the purpose of reviews and sometimes sought their views in advance of the meeting. In some schools, guidance staff or careers advisers arranged special meetings with young people with additional support needs to assist them in subject choices and careers advice. Almost all pupils attended reviews of their progress personally and a small number were members of a pupil council representing all pupils.

### Advocacy

In a few authorities, an 'advocacy mapping' exercise had been undertaken with the intention of using the recommendations from this exercise to inform proposals to set up a children and young persons' advocacy service. In one authority, a team of young people working with a graphic designer had developed an effective publicity campaign to inform other young people about the broader concept of additional support needs, the Act and its implications for their rights and advice on obtaining support. In another authority, a children's forum consulted effectively with young people using professional facilitators. Children's views were built around vision statements which provided evidence that children were broadly positive about the help they received in schools. In the majority of authorities, parent supporters from voluntary agencies and family support workers attended meetings with parents and young people and explained what was likely to happen at meetings and how decisions are made. In a few authorities, authorities provided advocacy training for workers to support families and young people with complex needs to express their views. A few issued

information to schools on the use of supporters and advocates with feedback from parents built into the process. Most authorities sent letters to parents prior to review meetings, inviting them to bring a supporter.

In most authorities, existing mechanisms for communicating with children and young people and their parents were still in the process of being reviewed and developed to take account of the Act and its implications.

### **Key strengths**

- Most authorities had sent information to parents of children and young people with Records of Needs to raise awareness of their rights under the new legislation.
- Most authorities had planned some form of direct meeting with parents, usually through the annual review process.

### **Areas for improvement**

- In only a few authorities were parents involved in strategic planning for implementation of the Act.
- In most authorities, parents other than those who were parents of children with Records of Needs were not given information about the Act.
- Almost all authorities did not involve or consult children and young people sufficiently, including raising their levels of awareness of their own rights, seeking their views on provision, and discussing the nature of support for their learning.
- Most authorities had not made parents sufficiently aware of advocacy and of their rights within the new legislation.
- Approaches to consulting with and involving children and young people who lacked capacity to make their views known were not well developed.

## 8. RESOLVING DISAGREEMENTS

The Act and Code of Practice advocate early intervention to prevent, as far as possible, disagreements about the provision for additional support needs between the authority and families living in that area from escalating into more serious disputes. Chapter 6 of the Code of Practice provides guidance about communicating with parents to ensure positive relations and effective communication channels.

The Act and associated regulations provide for three ways of resolving disagreements between parents and the education authority in which they live.

- Authorities must enable parents and young people to have free access to an independent mediation service for parents and young people.
- Through the arrangements for free dispute resolution, parents can access independent adjudication which allows for a formal review of an individual case by an independent third party external to the authority, the adjudicator, nominated by Scottish Ministers, who considers the circumstances leading to the disagreement then makes a report with recommendations for all parties.
- The independent judicial body, the Additional Support Needs Tribunals for Scotland, hears references from parents and young people on matters related to CSPs.

Authorities are required to publish information on the independent mediation arrangements they have in place in their area. However, the use of mediation services does not in any way affect parents' entitlement to take matters to a tribunal.

Authorities had adopted three main approaches to implementing their duties relating to resolving disagreements between the authority and families. They had issued advice through policies on mediation and dispute resolution; they had identified independent mediation services; and, they had provided training and general information to a few key staff and parents. Overall, quality assurance arrangements at strategic planning level did not make sufficient reference to authority provision for monitoring disputes in order to

improve provision. In the majority, there was an expectation that schools would do this as part of their self-evaluation process.

### Quality of arrangements for resolving disputes

A few authorities had introduced a tiered approach to mediation and dispute resolution, with an emphasis on resolving potential disputes at the earliest stage. In most authorities, draft policies set out staged approaches to managing mediation and dispute resolution and outlined measures expected to be taken at local level to prevent matters escalating. Such measures were set in the context of the rights of parents to mediation and dispute resolution defined within the Act and Code of Practice. A few authorities had included a legal representative on their steering or implementation group to provide group members with advice as required.

Several authorities had identified the nature and form of the provider of mediation. Organisations such as Resolve, Govan Law Centre or Parent to Parent included training for staff in resolving disagreements as part of the arrangement. Others had agreed mediation slots on a case-by-case basis. A small number had employed a freelance mediator on a case-by-case basis. A few authorities were considering ways to provide 'in-house' mediation services along with external providers.

Authorities which had purchased unused mediation slots often used these instead for raising staff awareness about mediation and dispute resolution. In most of these authorities, staff found this helpful and particularly welcomed training which was multi-agency, solution-focused and based on individual cases. However, some authorities needed to review service-level agreements with mediation providers to ensure that they met the needs of staff and families more efficiently and provided value for money. In around a quarter of authorities, school-based staff expressed concern about whether parents were sufficiently aware of procedures for resolving disagreements. Most parents did not feel well-informed about advocacy and several felt that authorities' arrangements for

resolving disputes were complicated, even in cases where information had been issued to them and direct training had been delivered by the authority. In a few authorities, training in resolving disputes was optional for key staff such as headteachers and training had not yet taken place for health and social services staff and teachers. In the best practices, school-based co-ordinators, educational psychologists or parent officers had provided direct, helpful information to parents prior to or at reviews of children's progress.

Under a third of authorities had not received requests for access to mediation services or referrals to Additional Support Needs Tribunals for Scotland. Most attributed this to effective working with families at school level and effective support for families from psychological services and parent co-ordinators or advisers. A few authorities with a higher number of requests for mediation or referrals were concerned that parents might be encouraged by independent groups to refer their case to a tribunal before that authority had had the opportunity to resolve the disagreement using its mediation services. In around a quarter of authorities where parents had used mediation services, both parents and key staff felt that intervention had been effective and helpful in resolving the dispute. In most of these cases, disputes had arisen because parents felt that therapy services were not sufficient to meet the needs of their children. There were no examples of mediation used to support families in dispute with an authority in relation to exclusions from school. Few authorities had developed advocacy for children and young people who were looked after and accommodated, although most recognised the role of children's rights officers as advocates.

Most authorities were considering ways of updating and improving the quality of their information to parents and young people related to mediation and dispute resolution. Some had produced, or were in the process of producing alternative, well-presented communication through publications, DVDs and websites to ensure that parents and pupils were well-informed about the extension to their rights regarding mediation and dispute resolution.

However, parents were most well informed about procedures where advice was given to them directly at, for example, review meetings. The majority of authorities reported that many national groups offering mediation services had good background information on the Act and had already produced informative leaflets and information for parents and families about their rights.

### **Resolving disputes by independent adjudication**

Few authorities had received enquiries about involving independent adjudication. Most parents and a few school-based staff including headteachers were unclear about the role of independent adjudicators. A few voluntary agency staff felt that independent adjudication was a valuable and effective means of ensuring that authorities clarified and focused their provision. However, a small number of parents were unable to access independent adjudication or mediation services where a child was placed outwith the authority, because it was not the home authority. Authorities needed to raise awareness among stakeholders about the role of independent adjudicators.

### **Additional Support Needs Tribunals**

All authorities recognised their responsibility for passing on information to parents and staff as required and many had produced handbooks with information about the role of tribunals. The Additional Support Needs Tribunals for Scotland published separate guides for parents in 2005 and for education authorities in 2006. Most authorities had included information about the role of tribunals in leaflets for parents outlining their rights under the Act, including recourse to tribunals. However, a significant number of parents did not feel well informed about the role of tribunals and few authorities had experience of tribunals at the time of the visits to authorities.



### Key strengths

- Arrangements across local authorities for introducing services to provide mediation and dispute resolution were effective.
- Recognition by the majority of authorities of the importance of resolving issues and complaints related to the additional support needs of children and young people at school level and the initial action they had taken were generally good.
- Some local authorities had established a climate of trust between parents and staff based on schools meeting children's needs and satisfactorily resolving, at an early stage, disputes about meeting these needs.
- School-based co-ordinators, educational psychologists and parent officers had provided direct and helpful advice to families about advocacy and resolving disagreements prior to or at reviews of the children's progress.
- Local authorities provided effective multi-agency and solution-focused training based on individual cases that benefited stakeholders.

### Areas for improvement

- Independent advocacy for looked after and accommodated children was provided only occasionally.
- Few families and key staff in authorities were aware of the role of independent adjudicators.

## 9. THE WAY AHEAD

The Scottish Government and all services for children, including schools and education authorities, should take cognisance of the main findings of this report. They should build on the key strengths as outlined in each section in order to address the areas for improvement. They should consider the following key points when taking action to improve services.

1. Develop additional guidance which defines more clearly the meaning of the term 'significant' in relation to additional support needs.
2. Establish clear transition pathways from children's to adult services for all individuals at risk of missing out on the opportunities available for education and training and ensure effective through care and after care arrangements.
3. Give particular regard to the legal duty that local authorities have as corporate parents to looked after and accommodated children and consider provision of independent advocacy services for them.
4. Improve the quality and extent of local authorities' communication with young people and their parents, and engage young people and parents more fully in decisions which affect any future support, including communicating about services for resolving disagreements.
5. Evaluate the impact of the actions which local authorities take to support children and young people with additional support needs, including action when disputes arise, as an integral part of quality improvement processes in authorities.
6. As intended by the legislation and embodied in good practice, plan support services more clearly around the individuals whose needs are being addressed.
7. Improve opportunities for joint training of education practitioners and professional colleagues working in social services and other partner agencies.



[www.hmie.gov.uk](http://www.hmie.gov.uk)

**£10.00**

© Crown copyright 2007

RR Donnelley B53219 11/07

Further copies are available from  
Blackwell's Bookshop  
53 South Bridge  
Edinburgh  
EH1 1YS

Telephone orders and inquiries  
0131 622 8283 or  
0131 622 8258

Fax orders  
0131 557 8149

Email orders  
[business.edinburgh@blackwell.co.uk](mailto:business.edinburgh@blackwell.co.uk)

Further Information is available from:

HM Inspectorate of Education  
Denholm House  
Almondvale Business Park  
Almondvale Way  
Livingston  
EH54 6GA

Tel: 01506 600 200  
Fax: 01506 600 337  
E-mail: [enquiries@hmie.gsi.gov.uk](mailto:enquiries@hmie.gsi.gov.uk)

ISBN 978-0-7053-1125-0



INVESTOR IN PEOPLE