



## **SOSCN Response – February 2018**

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

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 ambition for all to achieve 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.’

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

Yes, we agree that a rights-based approach is the correct one to support all our children.

The United Nations Convention on the Rights of the Child (UNCRC) under articles 28 and 29 state that all children have a right to education and that the goals of education should develop every child’s personality, talents and abilities to their full potential. Article 23 highlights that children with disabilities will require additional support from government to ensure their rights are met.

The UNCRC also highlights the importance of parents being supported to ensure they are able to look after children to the best of their abilities: article 5 states that governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up and as children grow their capacity to make decisions for themselves must be recognised; article 18 states that parents share responsibility for raising their child and should always consider what is best for the child but also they should be supported by government creating services for children and give parents the help they need to raise their children.

As mentioned in article 5 but further highlighted in articles 12 and 13 children also have rights for their views to be heard and respected.

So yes, a rights-based approach is crucial but for it to be meaningful it must respect and support the wishes of children and parents through achievable actions.

\*\*\*\*\*

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

**2. Do you agree with these principles?**

Yes. We would also add that the wider learning community such as out of school care practitioners also have a role to play here and should be included: by meeting wellbeing outcomes for children, out of school care services (and other registered childcare services) are successfully implementing the Getting It Right For Every Child Approach and subsequently fulfilling the wider remit of Curriculum for Excellence.

.....

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.

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

Yes, the expectations under each principle are the right ones, BUT, we would argue that another key feature is missing and that is 'access' which should come before 'participation'. The guidance needs to consider in the first instance if children are able to access the school/education service which best meets their needs according to their own, and their parents/carers', wishes.

If children are unable to access in the first instance the service which is right for them, then it becomes harder to meet the subsequent expectations because there is potentially a higher level of disengagement from the start.

For some children (and not just those with additional support or complex needs, or disabilities but also children with chronic illness, mental illness, or even those who are experiencing bullying or have complex emotional needs etc) automatic presumption of mainstreaming may not be the best option for the child and parents may have to fight against this, even when the local authority states that this is what is offered. This goes back to the rights-based approach discussed in question 1 and the support and recognition from the government which should be afforded parents and children.

Equally, non-mainstreaming might not be the right option for a child either and this is where a case-by-case approach is required.

The very first expectation should be that a child is accessing the appropriate service (as much as possible) for them in the first instance.

.....

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

No. There is a clarity in terms of how it works from the perspective of the local authority. However, as highlighted in previous answers if a rights-based approach is to be taken then the voice of children and parents must not only be heard but also respected.

Paragraph 22 does state, and rightly so, that 'Children and young people and their parents/carers have the right to express their view 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.'

However, the reflective questions in Annex B all appear to be from the perspective of the local authority and education services- we believe there should also be some form of standardisation in terms of a framework for consulting parents and children. Local authorities must be able to provide evidence that a due process of consultation, consideration and response has been undertaken with children and parents, and that this is the same across Scotland. We believe that this would create a more open, transparent and ultimately fairer process for all.



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

Overall yes, however in terms of paragraph 32 we believe that there needs to be tighter time frames associated with this issue and also there needs to be guidance in terms of what is 'acceptable' behaviour within mainstream education and what is not.

Through experience we know staff and children in schools and out of school care services who have faced not just disruptive but violent and endangering behaviour- this is unacceptable in terms of the wider rights of those involved. No child or staff member should be placed within a position of fear or danger- such situations must be resolved quickly to ensure the best possible wellbeing outcomes for all affected. (Of course, by all, we also include the child whose behaviour is causing difficulties as their needs are not being met under such circumstances.)



Delivering inclusion:

- 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

**6. Are there any areas missing, requiring strength, or which are not required and could be removed?**

Delivering inclusion means engaging with the wider educational and professional community which includes out of school care services- children especially, need continuity in how they are treated and cared for during their whole day; for many children this does not stop when the school closes but continues within out of school care. Of course, schools only operate term-time whereas many out of school care services operate year-round with all day provision during the holidays. An out of school care service which provides breakfast club, after school care and all-day care provides more hours of care annually than formal education- it is in a key position to deliver continuous and targeted support to children.

Out of school care staff are qualified, registered and regulated by the Scottish Social Services Council with managers requiring a degree-level qualification. Like fellow education and health professionals they too work under the Getting It Right For Every Child approach to ensure the best possible outcomes for children in their care, which after all are the same children as who have accessed the education services earlier in the day. Children do not stop learning when they leave school of an afternoon- it continues, and so more support should be provided for children in school-age childcare services.

To deliver all the above points in inclusion there needs to be comprehensive resources- this is not just a financial commitment as it is about knowledge and skills which in turn, relates to training and qualifications (some of this is more general and some of it is specialist); it is about having additional staff with specialisms (such as speech and language therapists and educational psychologists) and appropriate premises.

**7. Were the case studies helpful?**

No- they are quite vague and general. Furthermore, several case studies are used more than once as examples which instead of highlighting good practice, because of their sparsity, it has the opposite effect and suggests that there is a current lack of good practice across the country.

**8. Overall is the guidance helpful?**

Only partially. We have highlighted the areas requiring further development.

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

As already stated we believe for this to properly embrace and effectively deliver a rights-based approach, this guidance will need to be backed up with the proper resources and



means which we do not believe are currently in place. Will there be financial/resource guidance delivered alongside this?