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

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

Are you responding as an individual or an organisation?

☐ *Individual*

☒ *Organisation*

Full name or organisation's name

ADES (Association of Directors of Education)

Phone number 01382 433785

Address

Dundee City Council
Dundee House
50 North Lindsay Street
Dundee

Postcode   *DD1 1NL*

Email   *Jennifer.king@dundeecity/gov.uk*

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:	**Information for organisations:** *The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.* *If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.*

☒ *Publish response with name*

☐ *Publish response only (without name)*

☐ *Do not publish response*

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

☒ *Yes*

☐ *No*

CONSULTATION QUESTIONS

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

Section 1 – Introduction

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

The vision for inclusive education in Scotland is -

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

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

☒ **Yes** ☐ **No** ☐ **Don't know**

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

We agree with the definition but would suggest making reference to the 'keys to life' (Scottish Govt strategic framework for adults with support needs). The vision for inclusion is one which should promote approaches which are formative and anticipate what children and young people will need in adult life (their 'keys to life'). When we make decisions about inclusion and mainstreaming, we should be mindful of time periods/transitions beyond the immediate/current timeframe.

The key principles that underpin the guidance are:

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

Q.2   Do you agree with these principles?

☒ **Yes** ☐ **No** ☐ **Don't know**

If you selected yes or no, please outline why.

We are in agreement with these principles but would recommend adding reference (as for Q1) to 'keys to adult life' in first or third bullet point; and make explicit reference to 'accessibility' in fourth bullet point. We should address barriers to learning by making the learning environment accessible through communication, curriculum and the physical environment. Therefore reference should also be made to other partner agencies who enable access to mainstream education, such as Allied Health Professionals and Specialist Nursing. Both of these provide assessment, staff training, advice and specialist equipment which cannot be provide by education authorities alone.

Section 2 – Key features of inclusion – present, participating, achieving and supported
This section of the guidance sets out four key features of inclusion which can be used to set expectations and evaluate children and young people's inclusion in their learning environment – present, participating, achieving and supported.

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

☒ **Yes** ☐ **No** ☐ **Don't know**

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

Yes, but see Q1 and Q2. The features of inclusion should anticipate development and progression to adult life and over key transitions; and promote accessible learning environments in a child's local community – in order for them to be present etc. This must be done in partnership with other services for children and young people such as AHPs and specialist nursing services.

The integration of these features may 'take place' in flexible learning environments depending on the child or young person's needs, e.g. those whose mental health or anxiety prevents them from being present and participating in a school building.

The expectations for a child to 'present' and included should apply to both schools and parents, who have a duty to ensure that their child attends school regularly.

The 'Achieving' section must emphasise that the outcomes achieved for children and young people with complex and additional support needs have parity and equal status to those which are judged to be national benchmarks for attainment and achievement for the majority of children and young people. The National Improvement Framework must therefore cross reference to the POM guidance.

The 'Supported' section makes reference to the national practice model for assessment and intervention to meet wellbeing needs. Explicit reference to 'resilience' in this section would be helpful and promote the principle that any support provided should be one which scaffolds a child or young person to become more resilient and independent of support wherever possible.

Section 3 – Deciding on the right provision for a child or young person
This section sets out entitlements and options for provision and Annex B sets out a series of reflective questions to ask when deciding on the most appropriate provision for an individual child or young person.

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

☒ *Yes* ☐ *No* ☐ *Don't know*

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

It is important that the entitlements and options for provision in the guidance are broad enough to allow for differences in local contexts and demographics. The reflective questions should prompt a greater focus on the learning environment and the extent to which it can be made accessible for a child/young person to be present, participating, achieving and supported, e.g. 'How can the learning environment be adapted to meet the additional support needs of children in tis school community ?'

To give expression to the child's entitlement only with reference to the exclusions is misleading and arguably quite contrary to the letter and the spirit of the legislation. As section 24 indicated the onus is on the authority to demonstrate that it has taken all reasonable steps to fulfil a child's entitlement when considering applying exceptions. This is set out in some detail in the Code of Practice and it would be better if the diagram was represented in terms of a pathway or flow chart reflecting a fully competent decision process. The diagram should also highlight the need to give due weight to Equalities legislation within the decision process. This would also be most helpfully set within the process of GIRFEC/child planning so that specific questions about school were informed by a whole child approach. The specific questions currently in the diagram would need to be revisited and re-written with this in mind were prompt questions to be a feature of any re-designed process diagram.

> *Finally, reference should be made to the important role that local authority special schools play as 'hub's or centres of excellence for other schools in their community. By providing an 'outreach' function, staff in these schools can support inclusion effectively*

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

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

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

☐ *Yes* ☒ *No* ☐ *Don't know*

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

> *The questions regarding ability/aptitude and efficient education need to promote reflection beyond the individual level of need, and recognise that schools and local authorities aim to achieve a balance in school placement for children and young people which prioritises need; recognises the duty of fairness in local government; and that must make decisions which take account of 'collective' needs as well as those of individuals.*
>
> *In particular, for those children and young people whose needs are communicated through behaviour which can be perceived as challenging, the tension is increased between ability/aptitude and efficient education for others. As for Q1, decisions at this point are often made without longer term considerations of the impact on progress towards adult life being taken into account.*
>
> *Explicit reference to physical intervention in this section is unhelpful as an example of an approach to make education compatible with other children. This is referenced in IEI2. Making reference to the range of approaches and interventions which can make education more compatible would be more helpful, such as the use of visuals throughout schools, which not only assist children with specific communication needs (including Autism) but provide a universal communication approach for all children.*

Section 5 – Delivering Inclusion

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

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

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

☒ *Yes* ☐ *No* ☐ *Don't know*

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

There is no explicit reference to the child or young person's voice in this section – and this must be included as a key area which demonstrates and promotes the core principles of present, participating etc. In the year of young people, and in building on the Young Ambassadors for Inclusion (facilitated by Education Scotland) we have many examples of where the young person's voice has been a powerful means of enabling inclusion and demonstrating when exemptions do or do not apply.

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

☐ *Yes* ☒ *No* ☐ *Don't know*

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

While the case studies give a broad description of children and young people being included as a result of leadership, parental engagement and staff skills and attitudes, it would be more helpful to strengthen the links in any case study to the 3 exemptions. How have schools and nurseries included children and young people so that the educational environment is suited to their ability and aptitude ? And so that it is compatible with the provision of efficient education for other children ?

> *A smaller but important point is that almost all of the case study examples come from the west of Scotland. There are very good examples from across the country and greater diversity would be welcomed in this section.*

General

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

☒ *Yes* ☐ *No* ☐ *Don't know*

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

> *The overall structure of the guidance is good and well connected. With the changes which have been proposed above, ADES will welcome the guidance.*

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

> *As mentioned in the response to Q1 and elsewhere, this guidance does not sit alone and must therefore include reference to other relevant national frameworks including the National Improvement Framework. There is no mention of the Equalities Act (2010), nor 'The Keys to Life'; 'Principles of Good Transitions' etc – all of which feature in the decision-making and outcomes for implementing the presumption of mainstreaming.*

Thank you for responding to this consultation.

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