

ENQUIRE

December 2019

Review of Implementation of Additional Support for Learning in Scotland

Enquire response

Background

Enquire is the Scottish advice service for additional support for learning. Established in 1999, Enquire is funded by the Scottish Government and managed by Children in Scotland. Since January 2018, Enquire has been partners in My Rights, My Say which is the national children's service that supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school.

Enquire's main aims are to:

1. Provide accurate and accessible advice and information to parents, carers, professionals, children and young people about additional support for learning rights and duties.
2. Help parents, carers, children and young people secure the additional support that they may require to benefit from school education.
3. Provide advice to parents, carers and professionals about how to work together to make sure children and young people have the support they need to get the most from school.
4. Raise awareness of the common concerns raised by families, children and young people with key stakeholders and influencers to ensure developing policy and practice reflects and responds to these issues.

Enquire meet these aims through:

- A telephone helpline for parents, carers and professionals.
- A website for parents, carers and professionals. www.enquire.org.uk
- A website for children and young people called Reach. www.reach.scot
- A range of publications including the parents' guide to additional support for learning and 21 factsheets.

- An extensive programme of awareness raising activity including partnership work, digital communications and outreach information sessions.

In 2018/2019 the service received 1,475 enquiries to the helpline with most enquiries coming from parents and carers (86%). 14,660 guides and factsheets were disseminated, and the parent and carer advice and information pages of our website were viewed over 40,000 times. The service is promoted on social media reaching in excess of 40,000 people with advice and information about additional support for learning as well as details about contacting Enquire for help.

Our response

Overall we feel that additional support for learning legislation and guidance in Scotland is very strong and that the challenges some families face in ensuring their children have the support they need can be attributed to inconsistencies in the implementation of the Additional Support for Learning Act¹ (the ASL Act) and the funding pressure that schools and local authorities face rather than any particular weakness in the legislative framework itself.

Our written response draws on the experiences and issues we hear about in enquiries to our helpline and through our outreach work. We are keen to acknowledge that, in our enquiries, we hear only one side of the story – mainly from parents and carers – and that we are not party to the views of the school or local authority staff involved with a child. We are keenly aware that some families are experiencing real difficulties ensuring their children are accessing their entitlement to additional support for learning, but we are also aware there is a dedicated workforce striving to support children’s well-being and learning often in challenging situations and their experiences and views should not be overlooked.

We have identified ten themes that are consistently raised by parents and carers and feel it is important that the ASL review consider these when making recommendations about improving the educational experiences of children with additional support needs.

Tension between additional support for learning legislation and the realities for families and children.

We are aware that for some families there is significant disparity in the expectations set out in additional support for learning legislation and guidance that a child will receive support to meet their individual needs versus the reality children are experiencing in school.

¹ Education (Additional Support for Learning) (Scotland) Act (2004) as amended

We are hearing more frequently from parents that they have been told that their school or authority must make difficult decisions about spending and that support for their child cannot be put in place. Sometimes this is expressed in terms such as “we don’t have a bottomless bucket of money” or “the support for learning budget has already been allocated for this year”. This is very difficult to hear even if it is the reality, particularly when the language of the legislation and guidance is so different.

In addition, parents are often in the confusing situation of being aware of children in other schools who have seemingly similar needs who are receiving the support they believe their own child needs. Parent forums and parent support groups discuss how children’s needs are met and it can be difficult for families to understand why the support available may look different depending on where you live or which school your child attends. Again, the language of the ASL Act is clear that ALL children have the right to “adequate and efficient support” that meets their individual needs and helps them reach their fullest potential.

Families tell Enquire they have been told by staff at their child’s school that they [the staff] are adhering to local authority policy and do not necessarily support it. This puts families in a difficult position as they feel out of control of the decisions being made.

A challenge for Enquire in terms of advising parents about the duties within the ASL Act is around Co-ordinated Support Plans (CSPs). Parents tell us that they are informed by schools that the authority policy is not to open CSPs or that Child’s Plans are used instead but they are aware there is legislation which outlines the circumstances where a child should have a CSP. Again, this makes it challenging for families to understand why their child is apparently not receiving or accessing something that they appear to be entitled to. In turn, this can lead to difficult conversations that undermine parents’ confidence in both the school and local authority.

“Thank you for giving us the relevant information on how to apply for a CSP and placing request was very helpful as the process felt bamboozling till we contacted Enquire.” (Parent who contacted the helpline)

Pressure on staff and budgets

The most common issue raised by parents who contact us is level of support (44% of enquiries). As mentioned previously, we are receiving an increasing number of enquiries where parents report they have been told that schools cannot put more or different support in place because of budget reductions. Pupil Support Assistant support and input from educational psychologists are the two most commonly cited areas where support is reported as being limited.

Parents report that in some cases teachers acknowledge a child needs a specific type or level of support but they feel their hands are tied due to the school budget or allocation of support. Some families have been told by schools that only if parents “make a fuss” at local authority level will additional resources be allocated. This type of situation can lead to parents referring to the task of securing additional support for learning for their child as an “ongoing battle” or “constant fight”. This in turn can result in an atmosphere of mistrust and suspicion between families, schools and local authorities.

A secondary issue we are hearing about more frequently is the impact of time pressure on staff. It appears that the ability for some staff to find time to meet face-to-face and listen to and respond to parents’ concerns is becoming harder.

“What Enquire has done with one thoughtful letter has accomplished more than a plethora of phone calls. Thank you for the integrity of supplying a full picture. That kind of support signifies compassion.” (Parent who contacted Enquire.)

Lack of awareness of children’s rights and parents’ rights

We are aware that there can be a lack of awareness on the part of some education staff about the rights children have to additional support

For example, parents contacting our helpline increasingly report they have been told a diagnosis of a specific need is needed for support to be provided. The Supporting Children’s Learning Code of Practice² is clear this should not be the case, but it appears increased pressure on resources is resulting in criteria being applied to support allocations that were not previously applied. Similarly, we have heard of instances of parents being told their child cannot receive support after a certain stage of secondary school or in some case that their child is not allowed to stay on for a 6th year of school as there is not adequate resources available to support them or allow them access to appropriate learning.

Parents and carers are often not being told their and their children’s rights or where to find more information.

“Thank you for the comprehensive answers to my many questions. The information has provided a clear picture for us as to how to proceed with our daughter’s education. We were at a loss and using snippets of possibilities before contacting Enquire.” (Parent who contacted Enquire.)

Feedback provided to Enquire about our service highlights that, even with an extensive awareness raising programme, parents often only find out

² supporting children ‘s learning code of practice (Revised edition) 2010

about Enquire by chance. Parents' feedback highlights the very positive impact on families that feeling informed about their child's rights can have:

"Enquire was like a light in the dark for us and our family... to speak to someone who could listen, explain legal expectations and the process of how to resolve [problems] was incredibly valuable. Thank you! (Parent feedback)"

We are also aware that there is a general lack of awareness of the rights of children aged 12 - 15 who have additional support for learning to be involved in decisions about their support.

Inconsistent support/Unplanned changes

Linked to the wider issue of reducing budgets, parents regularly raise concerns that the approach to the provision of additional support is inconsistent. This is a source of frustration where parents feel that support strategies previously agreed at meetings are not implemented, or not consistently so.

Concerns are frequently raised that the type or level of support a child is receiving is changed despite the child's needs not changing. In these cases, parents often express frustration as they feel changes are being made for financial reasons without full discussion with parents, other relevant professionals, and the child themselves.

Recently we have heard of a number of situations where children have been refused a place in a special school or unit as the local authority state they are able to meet the child's needs in mainstream school with specific support but when the child returns or starts school the agreed support has been withdrawn. In these situations, the damage to the trust between the family and the local authority can be significant and can leave parents feeling hopeless. In the worst cases, children are unable to attend to school until the issue has been resolved.

"Schools are backwards in coming forwards. Information is given way too late. Information is vague. All very well to be made aware of entitlements but what/ how does it ACTUALLY get followed through? As a parent you think yes, my child has a specific learning difficulty and you learn what support can, should and ought to be provided but by who and how? Right to ask for and have assessments carried out doesn't guarantee support, and even if you do get it and child is awarded x y and z so many hours support you realise later it's not quite what was made out". (Parent on Facebook responding to information about local authority duties)"

Communication and relationships

The most frequently raised concerns in enquiries to our helpline after level of support are relationship difficulties with the school (29%) and communication from professionals (28%). These enquiries reveal the

negative effect on families when communication breaks down or where relationships with families and schools become strained or confrontational.

Parents frequently raise concerns about poor communication with school reporting a lack of a clear process for keeping parents up to date with how their child is getting on at school. For example, some parents who contact Enquire are not always aware of the support their child is receiving or whether they have a support plan. Often parents say that they only find out their child is receiving support when their child tells them.

Many parents voice concerns that they do not feel listened to or their views taken on-board. Parents highlight the difference it makes when a teacher or senior teacher spends time explaining how their child's support will be planned and provided as well as offering a clear route for families to communicate with the school or raise any concerns.

*“Once I got the information and facts from Enquire it made me feel more confident and self-assured that I could communicate better with professionals. Before this I felt like no one was listening or making many changes. Once the facts were given from the information Enquire provided, I got taken more seriously and positive changes were made.”
(Parent who contacted the helpline)*

Lack of understanding about a child's needs

A common issue in enquiries from parents is a perceived lack of understanding by school staff about their child's need, so, even with a diagnosis teachers are reported as not responding appropriately to a child's needs. A particularly difficult issues for parents is when staff label children as “naughty”, “disruptive” or “attention seeking” when in fact their children are exhibiting behaviours related to their additional support needs. This is often attributed to lack of training and awareness on the part of education and support staff.

However, parents are quick to point out that this can be an issue of an individual teacher rather than a whole school. Parents find it particularly frustrating when their child has a very positive school experience with one teacher but when they move up a class or that teacher leaves the awareness and understanding of a child's needs and the strategies that work are lost.

On a similar note some parents raise concerns that because their child is very quiet or well-behaved in class their additional support needs are not taken seriously because they do not “make a fuss” in class.

Lack of accountability

A common frustration for parents is the perceived lack of accountability when they feel a school or local authority is not meeting their duties under additional support for learning legislation. Parents often report they feel

schools ignore their concerns and their child is left to cope in school without the support they need.

Parents and carers who contact us about concerns about the support their child is receiving will be provided with advice and information about working with their child's school to get support in place but many parents contact us at the point where they feel they have already done this and issues continue to remain unresolved.

In some cases, families have been told by their local authority if they are unhappy with the support in place, they should make a formal complaint. In general, parents who contact Enquire have not been informed about mediation or independent adjudication. For many families, using a formal dispute resolution procedure feels like a daunting step. We are aware that independent adjudication often feels too complex for families and they are unwilling to go down this route as recommendations made by the independent adjudicator are not binding.

".. most parents I come across don't even know what services they can access for support! They don't even know they can dispute what schools have in place! Maybe an idea that mandatory when children start school the parents supplied with the Enquire book primary and secondary so if and when issues arise, they can access support?" (Facebook post from parent.)

Children out of school

A key concern raised in a significant number of enquiries is children being out of school for a reason other formal exclusion. Of the 1,475 enquiries we received in 2018/19, 27% were about children out of school. (Reasons for being out of school include being in part-time education, school refusal, absence through ill health, concerns about suitability of the placement and unlawful exclusion).

Whilst national data about children out of school for the above reasons is not available, the recent report *Not included, not engaged, not involved*,³ (NINENI) highlighted the experiences of children with autism who are out of school. In 2018/19 50% of enquiries to Enquire about children out of school were about children with autism. The experiences of children and families shared in the NINENI report very much echo the experiences we hear about from families who contact our helpline.

"I had to come and pick him up every day at 12 because they could not cope a full day with him it was like that for seven years." (Parent response in NINENI.)

³ Not included, not engaged, not involved: A report on the experiences of autistic children missing school September 2018

Parents express grave concerns that their children are missing out on their fundamental rights to education and the support they need to thrive in school and in later life. Enquiries to the helpline highlight that children are accessing very little education when they are out of school. Very few parents report work being sent home from school or their child being offered outreach education or online learning. A similar picture was reflected in the NINENI findings resulting in the authors of the report calling for actions to reinstate a minimum number of hours of education for children out of school and to improve access to online learning.

A common frustration for parents is the suitability of school placements. Some parents feel that a mainstream school is not always the most suitable placement for their child and that adequate support is not provided to enable them to overcome barriers to their learning. Similar to findings in the NINENI report, parents tell us they are called frequently by the school to pick up their children. They report this can have a negative impact on their whole families' well-being and in some cases their ability to secure or remain in paid employment.

Parents feel their children must fail in mainstream school before specialist provision is considered. This situation is particularly distressing for parents of young children where their earliest experiences of school are of being upset, distressed and sent home frequently. Parents of older children report their children feel they don't belong anywhere.

Some families report they are left with little choice but to keep their child off school while others report their children are so anxious about school, they are unable to attend. Parents also report that even where the school and local authority agree mainstream placement is no longer suitable there can be a lack of appropriate specialist provision in the local area.

Responses to children's behaviour

Linked to the inappropriateness of school placement, we are hearing more parental concerns regarding the way schools are responding to children's behaviour particularly children displaying signs of distress which is often referred to by parents and staff as "children having a meltdown". We have heard from some parents about the inappropriate use of seclusion as a means of coping with a child's needs. Examples include over-reliance on seclusion and children being left alone for long periods in classrooms, seclusion tents or cupboards. We are also hearing increasingly of schools evacuating whole classes of children in response to a child's behaviour which impacts on the learning of all children in a class.

We also hear from families who are concerned that children have been restrained during incidents in school and that they are only made aware incidents have happened when their child informs them, or they notice their child has bruises. This issue was investigated in detail by a recent

report No Safe Place⁴ published by the Children and Young People's Commissioners for Scotland.

Placing requests timescales

Enquire has repeatedly raised concerns with the Scottish Government that the current timescales for agreeing school placements are causing stress and anxiety for families of children with additional support needs. Even with adequate transition planning in place in school placing request decisions are not made until 30 April. This date is well past the suggested timescale for transition planning set out in the legislation and means some children with additional support needs will not be able to access the enhanced transition they require. Importantly, if a family choose to appeal a placing request decision the timing of the appeal process means that, for some families, they do not find out the decision until during the summer break. In the worst-case scenario, some children do not have an agreed school placement at the start of the autumn term.

Conclusion

We appreciate the opportunity to share the experiences of the many families who have contacted Enquire. We would like to take this opportunity to highlight the continuing and increasing need for independent, accurate and timely advice and information for families of children with additional support needs.

"Enquire made a super difference supporting my family. When I hit a brick wall Enquire was there for help and support." (Parent who contacted Enquire)

"The information was crucial in knowing what I should do to get the help my child needed. So grateful that you provide this valuable service." (Parent who contacted Enquire)

We look forward to reading recommendations from the review and to supporting the Scottish Governments' continuing efforts to improve the educational experience of children with additional support for learning.

⁴ No Safe Place: Restraint and Seclusion in Scotland's Schools December 2018