

The early years: what practitioners and policy makers need to know

Early years briefing

BRIEFING PAPER 5: SCOTLAND'S ADDITIONAL SUPPORT FOR LEARNING (ASL) ACT AS A RESOURCE FOR YOUNG CHILDREN (AND THEIR PARENTS) AND FOR EARLY YEARS PROVIDERS

Why is this important?

Every year, thousands of babies are born who will end up needing, and being eligible for, additional support for learning under Scotland's landmark Additional Support for Learning (ASL) Act.¹ One key point about this Scottish law is that it covers eligible children from birth, not from when they reach a certain age or begin their formal education.

Some babies and young children with additional support needs are quickly identified and assisted right away. For instance, nearly all infants with severe or complex medical conditions that are physically apparent, are identified through maternity services, neonatal screening, and by health visitors. Similarly, most (but not all) babies who are very premature and/or very low birth weight, or who have vision or hearing impairments, will be assessed, as they will often have developmental challenges which place them in the ASL arena.

Usually, early identification is followed promptly by referrals to, and assistance from, a variety of health professionals, agencies and condition-specific charities. Young children with obvious disabilities or challenges are the ones most likely to become known to education authorities, and for whom additional support is most likely to be implemented, at least by the time they enter pre-school.

However, it is not universally true that all children who need, and would benefit from, additional support for learning actually receive it during early childhood. Some infants and young children end up slipping through the net for a variety of reasons. There are numerous ASL-relevant health concerns that are subtler, or which occur after the initial contact period with health visitors. For example, a child may sustain a brain injury or develop a serious, chronic health condition when 1 or 2 years old. And, some significant barriers to learning (for instance, communication disorders, autism or fetal alcohol harm) may not become apparent until parents or carers discover that a child has not reached the developmental milestones that would be expected by a certain age.

There is also a systemic problem that increases the likelihood of young children

with additional support needs remaining unidentified and unassisted. Scotland's early years system continues to be fragmented and inadequate when compared with many European nations. The European Commission's recent Communication on Early Childhood Education and Care (ECEC) offers Scotland a new direction of travel.² The document notes: "ECEC offers potential for greater inclusion of children with special educational needs, paving the way for their later integration in mainstream schools." The emphasis on universal early years provision is particularly crucial, given the current reality that children under three from disadvantaged families are three times less likely to participate in formal early years services.

Consequently, every year thousands of school-age children across Scotland are assessed as needing extra help under the ASL Act, even though their additional support needs already existed in early childhood. Making the ASL Act better known among health professionals and early years providers and encouraging closer, and earlier, connections among these groups, parents and education authorities would benefit the lives and life chances of young children.

Benefits

The potential benefits of more fully implementing the ASL Act in the early years include:

- earlier identification of support needs and earlier interventions that can prevent later (more expensive) learning problems and reduce enduring inequalities among children
- establishing positive partnerships with parents from the very beginning that will enhance trust, co-operation and communication (and help prevent the negative relationships with schools and outside agencies that have been a burden for parents and practitioners alike)
- enabling smoother transitions for young children with additional support needs into pre-school settings, and from pre-school to primary school
- enhancing the chances of the Scottish Government and CoSLA's major child policies (i.e. Early Years Framework, GIRFEC, Equally Well and Curriculum for Excellence) being implemented effectively, and;

- ensuring that the statutory duties of public bodies under the ASL Act, and the corresponding rights of children and their families, will become better understood and acted upon properly.

What the ASL Act says about early years rights and duties

No matter when significant and lasting obstacles to learning occur (or are noticed) or what has caused them, the children experiencing them are eligible for assistance under the ASL Act.³ This means that these children have a legal right to additional support for learning. It also means that the education authority where that family resides has a legal obligation to provide ASL assistance once the child's condition and eligibility are known.

Detailed information about these rights and duties are available from Enquire, the Scottish Government-funded, independent ASL information and advice service operated by Children in Scotland.

The key points are:⁴

- anyone can share their concerns about a child with the local education authority and request a free assessment of that child's additional support for learning needs (which authorities have a duty to provide).⁵
- if a 'disability' is identified (for children under the age of three), then the child is entitled to receive additional support relevant to their learning needs at that time, and the education authority must gather and share information about this child with her/his likely nursery school at least six months in advance to promote a good transition into pre-school.
- from the age of three, children with additional support needs "for whatever reason" are fully eligible for, and covered by, the provisions of the ASL Act in the same ways as primary or secondary school age pupils, i.e., it is not limited to those with a disability.⁶

Making the ASL Act 'part of the fabric' of early childhood policy and provision

That the ASL Act is an underused resource in the early years arena is further evidence of a larger set of unhelpful divisions between health and education – and between early childhood education and childcare.⁷ Particularly in relation to children under three years old, the

common assumption across Scotland is that health is the relevant public service and that education only becomes relevant when a child reaches pre-school (or even primary school) age.

And yet, this assumption about public services and government policies and systems does not rest comfortably with the more recent (but now equally common) understanding that the most profound period of child learning and brain development occurs before the age of three. If these earliest years are the most important ones for learning, then it no longer makes sense to think about 'education' as something that begins only when a child begins pre-school in the term after his/her third birthday.

There are steps being taken in the right direction. One example is the Scottish Government's Play, Talk, Read campaign.⁸ Another is the fact that Scottish education authorities usually have a pre school home visiting service that can, along with the health system's home visitors, potentially play a helpful ASL-related role in identifying and responding to young children's needs. Such initiatives as Family Nurse Partnerships, Mellow Babies and Triple P for Baby are also all promising developments, but still only reach very limited numbers of young children and their parents and carers.⁹ The recent Scottish Government move to restore universal contact with health visitors at 24-30 months is one more positive development.¹⁰

To be part of the 'transformational change' in early years provision advocated by the Scottish Government and CoSLA, these services must be much more adequately staffed and able to reach everyone who needs them, including children with additional support needs. Perhaps a closer connection with the Additional Support for Learning Act which, after all, is a law

containing statutory obligations, would assist promising new initiatives to become more widely known and used across Scotland. A strong move toward the model of universal, integrated ECEC early years provision recommended by the European Commission and OECD could be the catalyst for replacing scattered good practice and fine pilot projects with a better early years system.¹¹

There is some relevant work that requires governmental action. Examples are information-gathering, sharing and workforce development. No one's long-term interest is advanced by the current lack of accurate national (and nationwide) data about: how many young children have additional support for learning needs; where they are and what is already being done to identify and meet these needs; how well the early years support being provided is actually benefiting the young children served; and, how it can be improved. It is remarkable how little is known across our nation about what actually is happening to, and for, young children (especially those below the age of three). Gathering and sharing more robust information about young children should be a priority.

Similarly, there is a need for early childhood education and care providers to become better informed, more competent and confident and more adequately supported as they interact with young children with very specific additional support needs (and with the parents and carers of these children). Previous research has revealed that this workforce feels significantly less confident, prepared and able to deal well with children having additional support needs. Their own professional development, as well as the deployment of specialists (e.g. speech and language therapists) to assist, has not been given sufficient priority in the past.

What can Children in Scotland members do to help?

As Children in Scotland members, you can help by:

- increasing your own understanding of the Additional Support for Learning Act and the EC Communication on Early Childhood Education and Care (ECEC) and how they apply to your organisation or agency's policies and practices. Becoming familiar with Enquire's clear explanations of the meaning and implications of the ASL Act is a good place to start.
- spreading the word and raising awareness about the importance of the ASL Act among the parents of young children with whom you work (and among colleagues who are early years providers in any sector). Please feel free to share this briefing with them and encourage them to contact us.
- increasing the level of information about, and understanding of, young children with additional support needs based upon your own knowledge and experience. Please share what you know with us about what's happening: what's working well and where there are crucial gaps that need to be filled.

The Additional Support for Learning Act is one of the major accomplishments of the Scottish Parliament. It was far-sighted in covering eligible children from birth. The recent amendments to the Act have corrected some unforeseen problems and strengthened this legislation. However, even the best laws cannot reach their potential unless they are widely known, properly understood and fully implemented. Helping the ASL Act reach its potential in relation to young children can go a long way toward helping those children reach their full potential.

If you have any comments about this briefing or suggestions about professional practice or strategy, then please contact Sara Collier at scollier@childreninscotland.org.uk or on 0131 222 2412.

This document is one in a series of Children in Scotland briefings that highlight issues, research or areas of policy that have a particular impact on children's early years and on the diverse workforce that provides services for this group. This work is supported through grants from Esmée Fairbairn Foundation and the Scottish Government's Child and Maternal Health Division.
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References

- 1 The original Education (Additional Support for Learning) (Scotland) Act was enacted by the Scottish Parliament in 2004 and amended in 2009. See: <http://www.scotland.gov.uk/Topics/Education/Schools/welfare/ASL>
- 2 European Commission (17 February 2011). European Commission Communication: Early Childhood Education and Care: *Providing all our children with the best start for the world of tomorrow*, [COM(2011)66]. http://ec.europa.eu/education/schooleducation/doc/childhoodcom_en.pdf.
- Children in Scotland Early Years Briefing Paper 3: Early Childhood Education and Care (June 2011) <http://childreninscotland.org.uk/docs/EYfbriefingpaper3v3.pdf>
- Children in Europe - Issue 20 *Europe's youngest citizens: services and leave provision for under threes* http://www.childreninscotland.org.uk/html/pub_tshow.php?ref=PUB0364
- 3 To be covered by the ASL Act, children under the age of three must have a 'disability' as defined originally under the UK's Disability Discrimination Act (and now contained within the UK Equality Act 2010). There is not a list of eligible conditions that determine the presence of a disability. Instead, the Equality Act uses a flexible and functional definition. It states a person has a disability if she/he has a physical or mental impairment that has a substantial and long-term effect on that person's ability to carry out normal day-to-day functions (which, for young children, is to play and to learn); see: <http://www.legislation.gov.uk/ukpga/2010/15/section/6>

- 4 Enquire - <http://enquire.org.uk/> or call 0845 1232303 See: Supporting children's learning: code of practice (Revised edition) - Chapters 3 and 6, Scottish Government 2010
- 5 In the 2004 ASL Act, only the NHS could report a concern and request an assessment from education authorities. That changed and broadened in the 2009 amendments to the ASL Act.
- 6 The breadth of Scotland's ASL Act - including children who need additional support "for whatever reason", is one highlight that distinguishes this law from those in other nations.
- 7 Children in Scotland Early Years Briefing Paper 3: *Early Childhood Education and Care* (June 2011) <http://childreninscotland.org.uk/docs/EYfbriefingpaper3v3.pdf>
- 8 See: <http://www.scotland.gov.uk/News/Releases/2011/06/22142738>
- 9 For Family Nurse Partnerships, see: <http://www.scotland.gov.uk/Publications/2011/07/28142203/0>. For Mellow Babies, see: http://www.mellowparenting.org/index.php/programmes/mellow_babies/; For Triple P for Babies, see: <http://www.gcu.ac.uk/triplep/triplepforbaby/>
- 10 See the Scottish Government's statement on a new look at Hall 4: <http://www.scotland.gov.uk/Publications/2011/01/11133654/0>
- 11 See the following OECD publications: Starting Strong I 7 II, as well as Doing Better for Children: http://www.oecd.org/document/12/0,3746,en_2649_37419_43545036_1_1_1_37419,00.html; and, http://www.oecd.org/document/3/0,3746,en_2649_37455_27000067_1_1_1_37455,00.html