

Consultation Response from Children and Young People



Draft Education (Additional Support for Learning) (Scotland) Bill Scottish Executive Education Department (2003)

Children in Scotland

Children in Scotland is Scotland's national umbrella agency for organisations and professionals working with and for children and their families. It exists to identify and promote the interests of children and their families and to ensure that relevant policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society.

Children in Scotland represents over 300 members, including all the major voluntary, statutory and private children's agencies, professional associations and local authorities as well as many smaller community groups and children's services. Children in Scotland facilitates the National Early Years Forum, the Scottish Parenting Forum, the Special Needs Forum, Enquire – the national advice service for special educational needs in Scotland and a National Steering Group on Children infected/affected by HIV/AIDS. It works in partnership with the National Children's Bureau and Children in Wales, and is a member of the European Forum for Children's Welfare (EFCW).

The Consultation Process

This consultation was carried out in line with Children in Scotland's research / consultation ethical guidelines (available on request). To meet the diverse communication needs and also interests of each group the methodology was adapted accordingly. Some sessions were conducted as group discussions while others involved working with children and young people on a one to one basis. A variety of methods and tools were used to create an atmosphere in which the children and young people felt comfortable and able to express their views openly.

The response is based on consultations with a total of 105 children and young people aged between 11 and 20. Seventy took part in consultation sessions with staff from Children in Scotland and 45 returned a short questionnaire (see Appendix A for detailed results). Ten of those who completed the questionnaire also took part in consultation sessions. Just under two thirds of the children and young people who participated in consultation sessions had a disability ranging from mild to complex and including physical and learning disabilities, sensory impairments, and profound communication difficulties. Around a quarter of those involved had English as an additional language, 2 were from Traveller families and 22 had no known additional support needs. A total of 6 groups took part covering a wide geographical spread including; Aberdeen, Berwickshire, Dingwall, Glasgow, Fife and Lanarkshire. The consultation was carried out in partnership with Enable, Capability Scotland, Berwickshire High School, The Funky Blue Smurfs, Shawlands Academy and the Travellers Education and Information Project (Aberdeen).

The response draws upon Children in Scotland's previous consultations with children and young people on *Assessing our Children's Education Needs, The way forward?*, which were undertaken in two stages (summer of 2001 and 2001/02). It is based on the expressed views of children and young people. Where connections are made to the response by Children in Scotland to the Draft Bill this is clearly stated.

Because of the scale of the consultation and the nature of the methodology used, this response is not a systematic survey of children and young people's views. Instead the findings present the views and experiences of the children and young people involved and can be used to raise questions about current practice and help to inform consideration of various issues by the Scottish Executive. The response is based primarily on the consultation sessions with reference to the questionnaire results where relevant. A full analysis of the questionnaire can be found in Appendix A.

Key Points

- **Most children and young people supported the change of terminology to 'additional support needs'.**
- **All children and young people should have the right to be involved in decisions about, and the planning of, the support they receive to learn.**
 - This should include the right of children and young people under the age of 16 years to be involved, in key provisions within the Bill.
 - Not all felt able to communicate their views at meetings. They had numerous suggestions to make meetings more effective for them.
 - Information needs to be provided directly to children and young people and not to rely solely on adult 'gatekeepers'.

- **Children and young people should have one person to deal with about all aspects of their support.** One group involved in a peer support project advocated their use.
- **Future needs.** All those who have had, or are having a Future Needs Assessment (FNA) greatly valued its role in reducing the stress involved with leaving school.

The vast majority of children and young people suggested that 3rd year of secondary school was the latest point at which they would begin to consider plans for leaving school. This suggests that the 6 month period proposed by the Draft Bill is not adequate.

- **Resources.** There was notable concern from children and young people that without adequate resourcing any new legislation would be unable to successfully meet the needs of children and young people with additional support needs.

One young person, while acknowledging that some financial constraints may be inevitable, said,

“Money shouldn’t be an issue. Education is one of, if not the most important part of young people’s lives.”

Detailed Consultation Findings

Additional Support Needs

The proposal to replace the terminology ‘special educational needs’ with ‘additional support needs’ was broadly welcomed by children and young people. Some commented that it sounded ‘more positive’ and suggested that the widening of the definition would help to reduce stigma attached to receiving extra help at school. They were also supportive of the term ‘additional support needs’ being used to encompass a wider range of difficulties, for example those faced by children and young people from travelling communities.

Assessment and intervention

Children and young people want to, and believe they have the right to, be involved in decisions about the help they receive to learn – this is discussed further in the next section ‘Parent and Family Involvement and Support’. They felt that this right should be underpinned by legislation, as without this there is ‘always room for people to bend the rules’. A key concern of the vast majority of children and young people was who should be involved in assessment and intervention. There was a strong feeling that they should have one person to deal with about all aspects of their support (e.g. to help them with meetings, to be available for a child or young person to talk to if they were unhappy with the support they were receiving or felt their needs had changed) and that this person should be someone they know. Most also said they would only be able to talk freely to someone who was not attached to the school.

Children and young people had strong views on the role of meetings in assessment and intervention. The majority saw meetings as one of the main opportunities to communicate their views but almost all did not feel able to take this opportunity due to the often ‘intimidating’ nature of meetings. One young person’s comment on their Record of Needs meetings was, “It just made me feel inadequate”.

The vast majority of those consulted agreed that children and young people should be given the option of going to meetings and that measures should be taken to ensure they feel comfortable and able to express their views.

Suggestions on how to make meetings more effective for children and young people

- Many children and young people said they found it difficult to concentrate throughout a meeting. One suggestion was that they should have the option of only attending for part of the time but this must not result in them being denied the opportunity to discuss their views.
- It is important for adults to speak in a way that children and young people can understand and for someone to be available to explain anything that has not been understood.

- Any communication aids used by the child or young person must be available.
- Children and young people said that it helped if meetings followed a clear agenda with topics discussed one at a time. Most found it confusing when people got side tracked.
- There was strong support for the idea of having a named person to support children and young people with all aspects of meetings, including having an informal chat before and afterwards.
- Children and young people prefer meetings to be held in relaxed, familiar surroundings with refreshments available.

The above are just a few key suggestions from children and young people on how to improve meetings. These findings support Children in Scotland's own recommendation, as noted in its response, to produce a good practice guide on how meetings should be conducted. This guide would be based on children and young people's views and suggestions.

Some children and young people expressed concern about the resourcing of support for children and young people with additional support needs. Adequate resources were seen as essential if new legislation is to have any impact. There was particular concern about the provision that education authorities do not have to do anything which 'is not practicable at a reasonable cost' (Section 3, subsection 2b of Draft Bill). Children and young people felt that education authorities should be obliged to provide children and young people with adequate support and that the resources should be available to do this. One young person acknowledged that some financial constraints may be unavoidable but said, "Money shouldn't be an issue. Education is one of, if not the most important part of young people's lives."

Parent and Family Involvement and Support

Children and young people were overwhelmingly in favour of all children and young people (including those under 16 years of age) being involved in decisions about, and the planning of, the support they receive to learn. The questionnaire findings support this with approximately three-quarters of respondents expressing a desire to be involved in such decision making and planning (see Appendix A).

Three distinct reasons were given for this view:

- Children and young people have a right to be involved in decisions that affect them.
- It is essential that the views of children and young people are valued and acted upon in order to ensure that educational support is effective in

meeting their needs. Children and young people are experts in what works for them and what does not.

- Children and young people will have to make decisions after they leave school and are likely to find this more difficult to cope with if they have been protected from the decision making process during their time at school.

The children and young people would thus seem supportive of the Executive's intention to issue guidance "to promote the principles of involving children and young people with additional support needs, **whatever the complexity and from a young age**, in the decision making process about their education". However, the children and young people's emphasis that all children should have the right to be involved, whatever their age, raises questions about the Draft Bill adequately recognising the participation rights of children under the age of 16. Most of the rights in the Draft Bill apply to a child's parent, a capable young person (i.e. aged 16 or over) or, if the young person is not capable, a young person's parent. This does not include the rights of a legally competent child who is under the age of 16. Yet, under the Standards in Scotland's Schools etc. Act 2002, competent children are now able to appeal their school exclusions. Competent children are also able to appeal against disability discrimination in schools.

Of the children and young people who have additional support needs, none felt that they were currently involved in decisions about their support (although some did attend meetings). A number of suggestions were made about how children and young people could be involved.

Suggestions of how to involve children and young people

- Ensuring that children and young people have the opportunity to attend meetings or to have a representative to attend on their behalf.
- Children and young people were strongly in favour of having one person to deal with about all aspects of their support. It was felt that where possible this person should be chosen by the child or young person and should certainly be someone they know. Most said they would only be able to talk openly to someone who was not attached to the school.
- One of the groups consulted were young people from a mainstream school who act as peer supporters for young people from a nearby special school. They suggested that peer support schemes could play an important role in helping young people with additional support needs to be involved in the planning process and Children in Scotland would recommend that this be considered in the context of the Draft Bill. The group said they would feel confident about going to meetings with or on behalf of a child or young person with additional support needs. They highlighted a number of benefits of this approach:

- Young people are often able to be more open with someone their own age. The peer supporters said this was how they themselves felt.
- A peer supporter would be impartial and as such could give information and discuss the young person's views in a non-biased way. It was felt that a parent or school staff member might be biased even if they did not intend to be.
- Young people may feel they can be more honest if they are talking to someone they see as 'neutral'.

If children and young people are to be involved and consulted effectively it is essential that information is made available to them in an accessible form. Most of the children and young people currently rely on adults (usually parents or teachers) for information about their additional support for learning. This means that the extent to which children and young people are involved is usually dictated by the approach of an individual school, teacher or parent. This finding would suggest that guidance should seek to remove this 'gate-keeper' role and ensure that information is provided directly to children and young people.

Transition and future needs

The Draft Bill proposes that education authorities must inform and pass on information to other agencies at least 6 months before a child or young person with additional support needs makes a transition. It is clear from this consultation that, with reference to young people making the transition from school to adulthood, this minimum period is too short. The majority of those consulted had begun to consider what they would like to do after leaving school and most thought that 3rd year of secondary school was the latest they would start to plan this.

In its response to the Draft Bill Children in Scotland raised concern that the Draft Bill does not place a duty on agencies to act on the information they receive from schools. The experience of one young person highlights the need for safeguards to ensure that responsibility for ensuring a successful transition from school to adulthood rests with both the school and the agencies the young person is moving to.

Experience of a young woman now aged 20

Lisa* had a FNA (Future Needs Assessment) in preparation for leaving school which she found very helpful. Through the FNA she was assessed to decide what support she would need at college and once this was agreed it was discussed with the college. The college confirmed it could offer the support needed and Lisa began her course. However the college then decided to re-assess Lisa to 'see if [she] really needed that much support' and concluded that they could not provide the help she needed

after all. They suggested that she come back the following year when the situation should have improved so she worked for a year before returning to college to find that the support was still not adequate.

Lisa said that if there had been better communication on the part of the college she could have made plans accordingly and would have chosen to stay at school for a further year. She is now living on benefits and looking for a job but has decided not to go back into education.

“It kinda puts you off education”

[The young person’s name has been changed for the purpose of this response]*

Leaving school was a particularly difficult issue for young people with additional support needs and especially so for those with complex disabilities. Seven of the young people with additional support needs were in their final year of school and were at various stages of their Future Needs Assessments (FNAs). All were very positive about their FNA and saw them as their primary opportunity to receive information about leaving school and to give their views. It is clear from this consultation that the FNA is crucial to young people – without it, the already stressful experience of making the transition from school to adulthood could become even more difficult for young people with additional support needs.

Co-ordinated Support Plans

It was not possible to discuss this issue with all the groups of children and young people due to its complexity and potential sensitivities for children and young people who currently have a Record of Need but would possibly not qualify for a Co-ordinated Support Plan. Among those who did comment there was support for the proposal to replace the Record of Needs. Children and young people felt there should be a more flexible, less intimidating system but also that some kind of formal record is continued for the additional support children and young people need.

Appeals and Tribunals

The same concerns apply here as in the earlier section ‘Parent and Family Involvement and Support’ regarding the rights of children and young people themselves to be involved in decisions about the support they receive to learn. The Draft Bill does not provide a right to appeal for legally competent children under 16 years of age.

The recommendations of children and young people on how to hold meetings would apply here. Tribunals will need to be conducted in a way that is accessible to children and young people and allows them to feel comfortable and to give their views.

Inclusion

While the Draft Bill does not deal with the details of how additional support should be delivered in individual cases one point which came across very strongly from children and young people was the need to ensure that those with additional support needs are not excluded from their peers. The problem of bullying was particularly salient, not only as an important social issue, but also as a significant barrier to learning. These concerns were expressed primarily with regard to those receiving additional support within a mainstream school.

Experiences of receiving additional support

- One young person from a traveller community had said a teacher had suggested that she should not tell other pupils that she was a traveller. Another two young people from traveller communities had been bullied at school so were receiving home tutoring instead. They were reasonably happy with this but felt they missed out on some facilities such as science practicals and field trips.
- The young people who attended a special education department within a mainstream school reported negative experiences of going into mainstream classes (they were receiving some of their classes in the special unit and some in mainstream). One said she did not like going into the mainstream school as she 'has no friends in the big school'. She said the pupils in the mainstream classes do not talk to her and call her names. She also found it difficult to follow the instructions given by teachers but said she was 'too scared' to ask the teacher or her classmates for help.

Children and young people consistently suggested that education for teachers and pupils is needed to raise awareness about children and young people with a disability and those from different cultural backgrounds. This was seen as an essential measure to increase inclusion and tackle bullying for those already facing barriers to learning.

For further information on any of the points raised in this consultation response please contact Shelley Gray, sgray@childreninscotland.org.uk

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