

Assessing our children's educational needs

The Way Forward?

Summary of the consultation seminars

Additional Support Needs Seminars - Summary

Background

On 23 May, 29 May and 6 June 2002 the Scottish Executive held seminars in Glasgow, Aberdeen and Edinburgh respectively, to consult further on the Executive's response to the consultation document *Assessing our children's educational needs – The Way Forward?*

The three events were very successful, being heavily over-subscribed with over 300 delegates attending and nearly 450 applications to attend. The delegates were from a broad spectrum, including teachers, head teachers, support staff, education authority staff, educational psychologists, parents, voluntary sector representatives, further education college staff and health workers (paediatricians, school nurses, occupational health therapists, speech and language therapists).

We held fifteen workshops in total. These were organised by interest group, each of which looked at the eight topics we had flagged for discussion. The aim of the workshops was not to gain consensus but was to gather a range of views and comments and explore practical issues relating to the proposals, with a view to their further development rather than starting afresh.

The workshop groups did not necessarily cover all of the eight topics, as some of the topics were of greater interest and therefore were focussed on more than others.

The eight topics were:

- Widening legislation to encompass provision for all children with additional support needs
- Staged Intervention
- Co-ordinated Support Plans
- Parent and Family Support
- Mediation
- Rights of appeal/the new Tribunal
- Children's participation
- Future Needs Assessments/transition from school

The summary that follows aims to give a flavour of the points raised in the seminars. It does not reflect every view given, nor does it attribute any weight to any particular group of delegates. Some actual comments are provided at the end of each section. For reference, a glossary is provided at the end of the report.

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Widening legislation to encompass provision for all children with additional support needs

The widening of the legislation was generally accepted as a good thing as this would bring traditionally "excluded" pupils, such as those with social, emotional and behavioural difficulties (SEBD), Gypsy/Travellers and gifted children more formally into the system. However, there were concerns about the potential increase in the number of children this would involve and subsequently the resource implications. It was recognised that potentially all children may at some point have some form of additional support needs.

It was suggested that resources could be better targeted, and that health and education resources could be better used. There was a danger though that the widening of the legislation could become a "catch all" and the intended effect would be diluted.

The term additional support needs (ASN) was generally accepted and seen as positive, although there were concerns that it is still not totally inclusive. Not everyone supported the use of the word 'additional'. The use of ASN should break down the divide between special educational needs (SEN), Support for Learning, Guidance, English as an Additional Language, etc. Additional support needs should be thought of in terms of access to an appropriate curriculum and removing barriers to participation, rather than being seen as a deficit model. There is concern that the term will label children who were not labelled before.

'The system which follows the new proposals needs to be fairer, simpler, more streamlined, and must ensure equality and fairness for all, as well as family involvement. It must have 'teeth' and be supported by adequate resources.'

'Schools and local authorities find it difficult to support children who aren't attending school, especially truants, but also Gypsy/Travellers, those who've been excluded, etc. Teachers in some areas can't get children into school or keep them there.'

'The curriculum should be revisited to change it to make it suitable for all children.'

'We must recognise that additional support needs are not fixed, permanent or measurable - if the system is working well, a lot of additional support needs will be temporary.'

'The Scottish Qualifications Authority needs to adopt the definition of additional support needs as well because they are reluctant to give pupils special exam arrangements.'

'No group of children should automatically be included.'

Staged Intervention

It was generally agreed that procedures should be uniform across Scotland, that staged intervention should be transparent and that the system should move away from the labelling of children. However there was also a view that labels/diagnosis could be helpful. There were conflicting ideas around staged intervention procedures. Some delegates felt that a structure should be put in place rather than just guidelines. Another view was that the local authority should not be left to interpret any guidelines in their own way and that there should be explicit regulations, which are legally binding.

There was agreement that early identification of special educational needs is the key. It was suggested that perhaps health visitors could have an increased role here. However, as a result of the restructuring of the service, it is unlikely that they will see every child in future. Children who do not attend nursery school are a concern as there is a possibility of them slipping through the net. Potentially they could arrive for their first year of primary school without having had their needs identified at all. There were recommendations for a fast track referral system for children whose needs are identified from the outset (birth).

There was strong support for fewer stages to intervention, with recommendations that the EPSSEN model could be simplified. It was suggested that there should be no more than 3 or 4 stages covering from pre-school to post school, following a pathways/cyclical model. There is a need to have clear assessment criteria with steps to follow in order to ensure consistency at local and national levels. It should be looking at what the child cannot do and what he/she needs to be able to do within a timescale, with a needs, rather than a diagnosis base. Resource entitlement, including access to professionals/other agencies should not be dependent on reaching a particular stage. A joined up multi-agency approach to intervention, perhaps based on the New Community Schools model would be advantageous for children going through the staged intervention process. This would help avoid repeated assessments.

'Staged intervention should not be about where you live; the level of support should be the same across the board.'

'Clear, explicit, guidelines are required.'

'It must tie in with the framework and the resources must be in place. Resourcing is the great issue.'

'Simple, clear stages are needed that will be used by everyone across agencies.'

Co-ordinated Support Plans

There was general agreement that a new system to replace the Record of Needs is required, though some felt that the current system just needed to be implemented better.

The CSP (Co-ordinated Support Plan) should be the planning and recording tool that brings together the support for children with very complex needs (i.e. support that is not available in the school environment). It was suggested that the CSP should be an extension of the PLP (Personal Learning Plan) and the IEP (Individualised Educational Programme), so that they form one larger document. Some felt that the CSP should have legal status to allow parental redress, but others felt that existing legislation could be used for protection.

There was concern about who would be eligible to have a CSP: would everyone who currently has a Record of Needs get one? It was suggested that definitions of learning disabilities/difficulties, complex needs and a clear criteria on who should have a CSP should be provided by the Executive.

There were issues raised about who would write and have responsibility for the CSP: whether this should be the education authority, the school, someone else or a combination of people. Issues were raised about when the CSP should be closed and who makes that decision. It was felt that the CSP should be easily accessible and understood by all parties including parents. A national template for the plan would be welcome as it would ease a family's move between authorities. This move may also be helped if the documentation was held by the family, rather than the school or local authority.

There was no clear consensus on what the CSP should look like, but it should be a short, working document and should reflect a holistic approach, be outcome focussed and person centred. It was suggested that the content of the CSP should include - profile of the child and his/her strengths; relevant agencies to be involved and their role/service/contribution; profile of context within which a child is found; unmet need, i.e. what school/community cannot meet without additional support. Parental and the child's input should also be included. In general, it was felt that non-compulsory psychological and health assessments would be welcomed and that the CSP should be shared with the child's teacher.

It was proposed that there should be a timescale for implementation of the CSP and that there should be a Compliance Officer or a Co-ordinator to assist in the delivery of service provision from other agencies. There was concern that the CSP provision would not be monitored and it was suggested that perhaps this could be a role for Her Majesty's Inspectorate of Education (HMIE).

There was also concern that there will be little difference between the Record of Needs and the CSP. It was noted that the Record of Needs is confidential but the CSP will be more open and this was a concern to some parents and involved parties. There was also concern that the Record of Needs is traditionally viewed as a passport to resources and that the CSP would be viewed in the same way.

'The CSP must not be just another layer of bureaucracy. It should be no more than one side of A4 as it will just be another stage in an existing process.'

'The CSP should be reviewed and updated regularly.'

'The pre-SCAT example should be followed through to school stage with Joint Assessment Teams involving the local authority, health, social work and voluntary agencies in secondary schools and primary school clusters. This should follow the example of New Community Schools.'

'Should have a key worker/co-ordinator. This is more important than the CSP (the piece of paper). It could be along the lines of the Local Area Co-ordinators under the 'Same As You'. The CSP should be a development of the IEP rather than another piece of paper.'

'There is a need for clear/revised guidance on the use of IEPs. They need to be realistic and meaningful. Far more children should really have an IEP than actually do, but this could become an administrative nightmare for teachers.'

'There are concerns about the resource element of the CSP in light of the new right of appeal against provision.'

Parent and Family Support

There was agreement that support for parents and families is a positive thing. There are areas of good practice already in local authorities, particularly in pre-school and primary schools, but this is not consistent across all authorities. Schools could be made more "parent friendly", with current good practice being built upon (perhaps the New Community Schools model should influence this). It was felt that there is a continued need for voluntary organisations, such as Enquire, who provide information at a national level. Some thought that to ensure national consistency in providing information to parents, the responsibility should not lie with local authorities.

It was suggested that leaflets, factsheets, publications, etc. should be provided by the Scottish Executive, with personal, day to day contact being provided by the local authority. Local information points should also be retained and should be promoted by schools. It was suggested that some relevant information about additional support needs should be included in all school handbooks.

The view on support was that there is either too much information or not enough. Parents should be able to choose the level of information that they need. This information or support could be provided in a number of different ways: information packs could be produced and distributed to interested parties, there could be a series of one-stop-shops set up to provide relevant information and schools should act as a pointer to other local information services. Information should be easy to understand and should be accessible to all parents. Efforts should be made to ensure that information is available in alternative formats. For instance, there should be translation into community languages, large print and Braille.

It was viewed as good practice to have a supporter/named person, who should be independent of the local authority. There was a range of opinion on who this person should be and what role they should play. This led to a wide range of suggestions: from being an advocate to a key worker to a friend. In meetings, parents may need emotional support, as well as advocacy support. Therefore, there are sometimes difficulties in finding suitable supporters/named persons, so some parents are discouraged from using them. It was noted that minority ethnic groups might need bilingual supporters and that Gypsy/Travellers and less articulate or illiterate parents may require more support than other parents.

Highlighted areas of good practice for parent and family support were: Local Area Co-ordinators (through 'the Same As You'), pupil passports and New Community Schools.

'Sensitive handling is necessary. We need to encourage parents to talk to a teacher and anyone else involved in the meeting beforehand, if possible, so the experience of attending the meeting will not be as scary. Need to encourage parents to bring someone with them as a supporter.'

'There should be a person specification for supporters - they should be knowledgeable.'

'There should be key workers for particular groups, e.g. those with a CSP, who must provide professional advice, especially if they might end up involved in legal proceedings.'

'Parent and family support is good practice and is always being provided, but it would help if the Scottish Executive could standardise practice across Scotland.'

'There is a need to try to reach parents that do not currently get involved - it would probably help if they could speak to other parents who have been through all the hoops. Parents want/need someone who has been through it before and can offer support when they are too tired. They need someone who knows the system, but is external to that child's case.'

'A key worker/named contact person model was felt to be good as it would allow parents to build relationships with one person and would break down barriers between schools, local authorities and families.'

Mediation

The general feeling was that mediation was a good thing, as long as it is voluntary and does not affect the right of appeal. It was felt that there should be standardisation of procedures across Scotland. However, there were different views on whether the local authority should contract the service or whether there should be a national service that could be used by all local authorities. There could also be different models used and different service providers, such as the voluntary sector or other groups.

Most people agreed that mediation should be voluntary, the process should be independent of the local authority and not too formal. However it was also agreed that mediation should be taken seriously and not given token attention to avoid the focus being on the next step (the appeals tribunal).

Ideally, conflict should be resolved informally, but mediation should be initiated at an early stage and not when communication has broken down. Ideally informal mediation should happen at school level. Some felt that mediation should not have a time limit and could take anything from a few hours to several weeks. There should however be guidance on how long it should take from the time of a request being made to the first mediation meeting. Mediation should be tried before an appeal is lodged with the tribunal.

Mediation should at least be able to cover all the areas covered by the Co-ordinated Support Plan (CSP) prior to the tribunal, but should also be available for pupils at any point in the staged intervention process. Mediation should be able to involve health, social work and other agencies, as well as education.

It was proposed that the Scottish Executive should issue guidelines to local authorities, including current good practice examples, briefing on who should be a mediator, who should co-ordinate mediation services and who should provide appropriate training and accreditation.

Possible initiatives that could be used as a basis for building mediation services are the future Children's Commissioner and the Parents Court Officer. The outcome of the Enquire mediation pilot projects should also be taken into account.

'It is important that mediation be seen as independent of local authorities. It should be supportive to both parties, not adversarial, and should promote good communication and relationships. There should be room for different models.'

'The timing of mediation is important – it should not be left too late – and it should be able to be part of the staged intervention process.' *'There should be clear local procedures in place before moving to mediation.'* *'Mediation is the crucial factor in the whole support process.'*

'Make sure school mediation is the first step. Schools should be encouraged to take on an informal mediation role all the time.' *'Mediation should be available on request and not just when the child has a CSP.'*

Rights of Appeal/The New Tribunal

The general view was that the extended rights of appeal and the new tribunal are a good idea in principle as it was acknowledged that the current appeal system is too bureaucratic and lengthy. However, there were some concerns about the model used. It was highlighted that the current English system is perceived as costly to local authorities (in terms of their time). Therefore, there were some concerns about a similar system being adopted in Scotland. The tribunal should be a new model, which has learned from the mistakes of the English system and the current Scottish system. The time taken to deal with appeals was discussed in detail. The new appeals procedure should be simplified and should not take more than six months from lodging an appeal to its conclusion.

Delegates were pleased that the rights of appeal will be extended to cover all parts of the Co-ordinated Support Plan, including provision. However, the anticipated number of appeals against provision was a cause for concern. It was hoped that, due to the introduction of mediation, the potential number of appeals would be reduced.

There were some concerns about what would be heard at the tribunal and the consequences of the tribunal's decisions, including what authority the tribunal could have over health and social work services. If placing requests and exclusions were heard, how would the tribunal's decisions be enforced and could any part of that decision be appealed? There were also questions about the system being inequitable for some parents, as placing requests for special schools may be heard by the tribunal, but placement requests for mainstream schools would not. There were discussions about whether it should be the parents' or the child's view that took priority in the case of a dispute. There were also concerns about who would run the tribunal and whether its decisions could be appealed further.

There was a range of ideas about where tribunals should be held. The common theme was that the venue should be neutral and not intimidating for parents or children who may attend. Some suggestions for the type of venues were: hotels, community centres and church halls.

There was also discussion around the selection of tribunal members. It was felt that they should be knowledgeable in legal procedures and in SEN issues, objective and clearly independent of the local authority and the parents. To ensure this, they will have to be recruited carefully. There were also questions about who should provide training for tribunal members and some felt that there should also be awareness raising for teachers and other professionals about the new legislation and tribunal procedures. A further suggestion was that the Scottish Executive should establish a pool of potential panel members. The Children's Panel System was suggested as an example of a good tribunal model.

'What powers will the tribunal have? It should be about helping the child get the support he/she needs and less about winning and losing.'

'In the spirit of openness, the tribunal's decisions should be published.'

'To protect the child, tribunal hearings should not be held in public.'

'It should take no more than six months between when a case is registered and when the hearing is held.'

'The appeals system should be less complex than current appeals to Scottish Ministers.'

'The tribunal should have a broad remit - and have powers over other agencies, such as health and social work. This joint remit should have 'teeth'.'

'There should be people with varied experience on the tribunal panel, covering most recognised special educational needs. Possibly there should be members from the voluntary sector.'

Children's participation

Many delegates had positive experiences of having children in meetings. It was considered important that they are involved, but care must be taken to ensure that they want to attend and that the experience is not a negative one.

It was recognised that not all children will be able to participate or even want to. Some felt there is a need to recognise the young person's age of legal capacity as this could indicate how effective they could be in the meeting. Others felt that participation centred round the child's ability to communicate their views. There was concern about who decides on their ability to take part and whether they should be able to participate in all meetings. The child needs information about their situation to allow them to play an active role in the meeting and to make choices. This is made difficult as there are questions regarding children not having access to some of their reports.

To encourage children to attend meetings, it was suggested that providing guidelines to local authorities would assist in the format of the meeting being more child friendly. Children's abilities should be discussed rather than their weaknesses. Discussions using complex language would also have to be considered and avoided. Children need to see that their input is being taken seriously to encourage them to participate and perhaps they should receive feedback about the outcome of their meeting to show that this is the case.

To reduce stress on children during meetings, they should have access to a supporter or advocate throughout. This should not necessarily be their teacher. Alternatively their supporter could be a buddy or friend, whoever the child chooses. If the child for some reason was not able to take part in the meeting, the child's views could be expressed through a third party or alternative medium, for example, via a video. A long term solution to this difficulty would be for the child to be encouraged to express their opinions from an early age. This can be promoted through work on social/speaking skills, turn-taking skills, sharing opinions, and by showing children that their views are valued. This would increase their confidence in the meeting setting.

'There is a need for careful planning and preparation to allow children to participate in meetings, etc, to make sure that the participation is meaningful to all involved.'

'Children are the consumers and they know what interventions work for them. Therefore, consulting them will lead to better outcomes.'

'Someone should do a project to evaluate the effectiveness of children's participation and see if it actually changes things and/or makes children feel more involved.'

'Children's wishes should be taken into account, but we need to be aware of not raising their expectations unrealistically. They may have a wish list which can never be met. This could lead to further mistrust of adults and a sense of failure.'

'In a potential disagreement between a parent and a child in one of the meetings, should there be a weighting applied? How would that disagreement be resolved?'

'Would a secondary school pupil be able to self refer for a CSP?'

Future Needs Assessments (FNA)/transition from school

There were several discussions about how the FNA currently works and where improvements to the current system could be made. It was suggested that the process should not be too time consuming and should be part of the CSP if the young person has one. Currently, there are a large number of professionals attending the FNA meeting and this can be intimidating for the parents and young people. Some felt that they must all be involved. However, others felt that meetings should be smaller and more informal. In future, perhaps the young person or parents could select who they wish to attend the meetings, or choose to have several smaller meetings if all agencies are required to attend.

There is a lack of continued planning for the young person after they reach school-leaving age. There was a suggestion that there should be lifelong, person-centred planning. The FNA should not therefore be the end of the process as there is a need for an ongoing commitment to helping young people. There were questions about who takes forward the planning once the young person leaves school and whether this should be social workers. It was acknowledged however that there can be significant difficulties in the transition between children's and adult services within social work. Perhaps this is where the Beattie keyworkers should become involved. They could act as the co-ordinator to ensure that the young person meets the key players in his/her future, such as careers advisers or representatives from Further Education Colleges, as well as employers.

It was proposed that all young people who have a CSP should have a multi-agency FNA/leavers review as well as others who are identified as likely to have difficulties in transition, such as those with SEBD and looked after children. A clear definition of the FNA is required, alongside who will be eligible for one. Many parents felt that 14 years of age is far too early to be making adult life choices, particularly when many children with additional support needs stay on at school post-16. There is a need to either increase the starting age to 15 or have much more regular reviews until the young person leaves school.

More meetings and communication between schools and colleges would greatly benefit the FNA process as there are difficulties with schools refusing to disclose information about pupils to colleges.

Transition is also difficult for primary school children moving to secondary schools. Other areas should be looked to for good practice in transition. For example, the transition from nursery schools to primary schools is normally successful. In primary schools, P6 is a better time to start planning for transition than P7, as there are also difficulties in information flow between primary and secondary schools. There were suggestions that the young person could hold their own PLP and IEP file for easy transition between schools.

There was a positive response to there no longer being a requirement in all cases for social workers to assess whether a young person has a disability. However, there was also concern that this would make it very difficult to secure the involvement of social workers in the FNA process.

An example of good practice was schools rehearsing FNA meetings with parents in advance of the meeting taking place. Single assessments shared between agencies was viewed as a way to ensure multi-agency ownership. The New Community Schools model was also looked upon favourably.

'Parents should hold copies of their child's PLP and IEP to ensure easy transition – from age 14 or 16 the file should be held by the young person. This would cut through a lot of red tape.'

'Rehearsing meetings and speaking to parents and pupils in advance is good practice.'

'Beattie keyworkers should monitor young people after they leave school to ensure that they are getting what was recommended in the FNA.'

'We need to take on board the young person's views much more in the FNA.'

'Further Education colleges, Higher Education, Careers Scotland, social work, health, parents and the young person should all be involved where appropriate (but not necessarily at all FNA meetings).'

'More link courses at colleges would be a good way of helping young people make better informed choices. This would also help them meet Beattie keyworkers early on.'

Glossary of acronyms

SEN	special educational needs
ASN	additional support needs
SfL	support for learning
PLP	Personal Learning Plan
IEP	Individualised Educational Programme
CSP	Co-ordinated Support Plan
FNA	Future Needs Assessment
SEBD	social, emotional and behavioural difficulties
EPSEN	Effective Provision for Special Educational Needs
Pre-SCAT	Pre-school (Joint) Assessment Team

SEN Unit

Pupil Support and Inclusion Division

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