

**Interim report on the implementation of the
Education (Additional support for Learning)
(Scotland) Act 2004**

September 2006

Introduction and background

On 14 November 2005, the system of assessment and recording of children and young people with special educational needs was replaced by a framework around additional support needs. Additional support needs are defined more broadly than special educational needs through the Education (Additional Support for Learning) (Scotland) Act 2004. The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It also promotes collaborative working among all professionals supporting children and young people.

The basis and purpose of this report

In September 2005, at request of Scottish Ministers, Her Majesty's Inspectorate of Education (HMIE) was given a two year task. The task was:

- to monitor and evaluate the consistency, effectiveness and efficiency of education authorities in implementing the new legislation; and
- to ensure that procedures for implementation were in line with the duties of the ASL Act and the Scottish Executive Education Department's Code of Practice.

The purpose of the task was to report to Scottish Ministers in September 2007 and make recommendations in respect of appropriate developments to both the Act and the Code. The final report will contain these recommendations.

Brief description of the task

As part of activities within this task, HMIE reviewed practice across Scotland between October 2005 and February 2006. Inspectors visited all local authorities to consider the planning and procedures which were in place for implementing the Act at its commencement. The baseline was established by making contact with all local authorities to consider what planning arrangements and procedures were planned to be in place at the implementation of the Act.

HMIE also reviewed supporting documentation provided by each local authority and undertook interviews with key staff from education, social work health.

The main activities of the HMIE task were as follows.

- to undertake an investigation of the implementation of the new legislation on additional support for learning across all 32 education authorities in Scotland.
- to seek the views of stakeholders on the effectiveness of the new legislation.
- to evaluate the impact of the new legislation in improving the quality of learning, progress and achievement of children and young people with additional support needs; and

- to provide an interim report and a final report to the Scottish Ministers on the key findings of the project.

Organisation of the report

In the first phase, HMIE focused on seven key aspects of the implementation which are featured in this report as follows:

- the planning, implementation and transition process within the local authority, including consultation and joint training with partners.
- transitional arrangements for pupils who have a Record of Needs at the time of the commencement of the Act
- assessment and intervention strategies
- parent and family involvement and support
- mediation and dispute resolution including the local authority's arrangements for implementation of the Additional Support Needs Tribunal
- implementation of co-ordinated support plans (CSP), including advice on the pupils who will require a CSP
- advice on the implementation of the Code of Practice.

The task team undertook a range of activities during the first phase of the review. These included meeting key officers including the director of education and his/her nominated senior officer(s) with strategic responsibilities for inclusion and additional support needs, groups of headteachers, including representatives from pre-school, primary, secondary and special schools, principal psychologists, voluntary groups, parents and colleagues from health and social work services. The following is a brief account of the key strengths, areas for improvement and emerging issues arising from the activities undertaken to date and summarises the progress made by local authorities in implementing the Act and Code of Practice thus far.

RESULTS FROM PHASE 1 OF THE EVALUATION OF THE IMPLEMENTATION OF THE ASL ACT

The interim evaluation results provided below refer to the position at the end of Phase 1. Phase 2 will revisit the issues described here and a final report will be issued in late 2007.

Strengths	Points for Action	Emerging Issues
<p>Many authorities had used the Act to develop or review their policy on inclusion.</p> <p>In the best practice, authorities and their partners saw the Act as playing an important role within the broad context of support for children and families.</p> <p>Almost all authorities were building on existing good practice such as the review of pupils' progress and using this as a vehicle for establishing, in discussion with parents and children and young people, whether a co-ordinated support plan was appropriate.</p> <p>Educational psychologists provided a high</p>	<p>Social work services needed to be better engaged with the implementation of the Act.</p> <p>Most authorities needed to provide more information for children and young people informing them about their rights under the new legislation.</p> <p>A few authorities had yet to clarify, for school staff and other professionals, the procedures for managing transition from Records of Need to co-ordinated support plans for children in and young people in residential special schools or secure accommodation services, including timescales and arrangements for monitoring the process.</p> <p>Closer links were needed among health</p>	<p>Health managers expressed concern regarding the availability of respite care and mental health resources to reflect the new, broader concept of additional support needs.</p> <p>Speech and language therapists were finding the duty to respond to the two year timescale for transitional arrangements applying to those with Records of Needs too challenging.</p> <p>Few authorities had considered how to manage the transitional arrangements applying to those with Records of Need for children in and young people in residential special schools or secure accommodation services.</p> <p>A few practitioners expressed concerns that</p>

<p>quality of support for parents and key staff during the review process and in advising on the content of co-ordinated support plans.</p> <p>As part of their the procedures for managing transition from Records of Need to co-ordinated support plans, most authorities made effective use of assessment and intervention models based on a staged intervention process model, consistent with advice given in the code of practice.</p> <p>There was wide consultation with partner agencies in almost all authorities working with education services to explore integrated approaches to assessment and intervention.</p> <p>Staff used staged intervention approaches to meet individuals' additional support needs, particularly those which combined multi-agency approaches.</p> <p>There was recognition of the key role of Individualised Educational Programmes [IEPs] in meeting needs and of the importance of quality assurance systems to ensure that IEPs</p>	<p>professionals and others in relation to planning for pupils currently with a Record of Needs.</p> <p>Authorities needed to provide clearer guidance to key staff in schools on arrangements for those currently without Record of Needs whose parents request a co-ordinated support plan.</p> <p>Staged intervention approaches needed to take sufficient account of the broader definition within the Act of additional support needs and intervention strategies extended to encompass wider groups.</p> <p>Almost all authorities required to involve and consult in a more meaningful way with children and young people including awareness raising of the rights, seeking their views on provision and general discussions about the nature of support for learning.</p> <p>Further development was needed of approaches to consulting with and involving children and young people who lack capacity</p>	<p>the extension of rights would lead to greater conflict within the system.</p> <p>The majority of local authorities had concerns about ensuring effective inter-authority arrangements where a significant number of children and young people are placed outwith their own authority.</p> <p>A few authority implementation plans lacked information about quality assurance systems for monitoring the implementation process and impact of the code and Act.</p> <p>In only a few authorities were parents involved in strategic planning for implementation of the Act. Very few had informed all parents, as distinct from those whose children had a Record of Needs, of the change in the legislation.</p>
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<p>were sufficiently dynamic to meet the additional support needs of learners.</p> <p>Almost all authorities had made arrangements for introducing services to provide mediation and dispute resolution.</p> <p>The majority of authorities had recognised the importance of resolving issues and complaints related to the additional support needs of children and young people at school level.</p> <p>Most authorities had located the code of practice within existing children's services planning, accessibility strategies and inclusion policy.</p>	<p>to make their views known.</p> <p>There is a need for further development of joint assessment and recording procedures combining care plans and IEPs for looked after children and young people and those with social, emotional and behavioural difficulties.</p>	
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