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# Additional Support for Learning in Scottish school education: **Exploring the gap between promise and practice**



# **Additional Support for Learning in Scottish School Education: Exploring the gap between promise and practice**

**May 2019**

## **Foreword**

The topic of Additional Support for Learning (ASL) has been the subject of intense scrutiny in Scotland in recent years. This scrutiny is likely to be sustained, and perhaps to intensify, as the complexity of needs among the learning population grows, against a backdrop of under-invested public services struggling to meet the array of needs in every classroom. There is a well evidenced gap between theories of inclusion, the law on children's rights, and daily practice in our schools; a gap which stems from massive under provision of the sources of support children require.

In debate around ASL provision, and especially on whether laudable and well-intentioned legislation and policy is being effectively implemented, matters of principle can get lost. Let us then be clear about the EIS's firm commitment to inclusive education. We continue to agree that education is a human right and that inclusive education, i.e. schools and classes comprising a diverse mix of learners, is the foundation of a more just society. The EIS also supports the existence of special schools and special units, recognising their role in meeting the needs of pupils.

We would not wish a return, however, to the days when learners with disabilities or differences were "problematized", and routinely segregated from their peers because of a lack of understanding of disability and neurodiversity. The presumption that, when appropriate, children will be educated alongside their peers in their local school is sound. The serious concerns our members have voiced repeatedly are about the operation of that policy, and not the principle behind it.

Education is a public service and a public good, which can enable all children to meet their potential. However, the vision of a truly inclusive society and education system is threatened by austerity - considerable investment is needed to ensure that we 'get it right for every child'. Sustained effort is needed to ensure that teachers are able to work safely, effectively and with the right support to do their job well. Scotland's children, and Scotland's teachers, deserve a system where promise meets practice, not 'mainstreaming on the cheap'.

*Larry Flanagan*

General Secretary

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## Purpose of this publication

This report aims to:

- restate EIS support in principle for inclusive education
- highlight current EIS concerns about the implementation of existing Additional Support for Learning policy
- restate our recommendations for enhancing ASL in Scotland.

## What is 'Additional Support for Learning'?

Every child gets help in school with their learning. A child is said to need 'additional support for learning' (ASL), or to have 'additional support needs' (ASN) if they need more, or different, support to what is normally provided in schools or nurseries to children of the same age. Children might need extra help to be able to take part in school or to get the most from their education, and this may be because they have learning difficulties or because they are highly able. Some children may need a lot of support throughout their schooling; others may

need limited support for a short time. The approach to ASL in Scotland is expansive. It is well understood that a wide variety of circumstances can give rise to extra support for learning being required. For more detail on the types of circumstances that can create the need for extra support, see page 5.

## **What is 'inclusive education'?**

The meaning of inclusive education has now evolved beyond only meeting the needs of those with additional support needs, and now has much broader interpretations. The EIS believes that that an inclusive school system is one which:

- promotes social inclusion
- promotes understanding of equality and rights
- celebrates diversity
- embeds inclusive approaches
- meets the needs of pupils at all stages
- develops a wide range of skills, both cognitive and affective
- supports lifelong learning
- builds on partnership.

The EIS has long argued the case for comprehensive education provided in nursery, primary and secondary schools serving their local communities. We have also recognised and valued the contribution made by special schools and units. We welcome the fact that, as pedagogy and technology develop, young people who would have attended separate special schools or units are now able, with appropriate support, to attend their local nursery, primary or secondary school.

We believe that children, schools and learning communities derive many benefits individually and collectively from having diverse learning populations.

In order to deliver an education to all children that is inclusive, schools must be sufficiently staffed and resourced in order to ensure that each child's needs are known to teachers. Each member of staff must have access to and protected time for training, be afforded the time to plan how to meet the diverse needs of pupils and must be able to access the expertise of specialist colleagues when needed.

Inclusive education is more than a matter of effective practice for pupils and students. An education system will not be genuinely inclusive unless it recognises the fundamental principle that it is inclusive of all members of its community, including teachers and lecturers. If the principles underpinning inclusive education are to be carried into practice then it is necessary for staff at all levels of the education system to be fully involved at all stages from initial policy development through planning to implementation, monitoring and review.

## **Legal context: ASL specific legislation**

### ***Education (Additional Support for Learning) (Scotland) Act, 2004/2009***

The key legislation relating to ASL in Scotland is the Education (Additional Support for Learning) (Scotland) Act 2004, as amended by the Education (Additional Support for Learning) (Scotland) Act 2009<sup>1</sup>. This legislation obliges education authorities to identify, provide and review the additional support needs of their pupils which can arise in the short or long term as a result of the learning environment, family circumstances, health and wellbeing needs or a disability.

Prior to the passing of this legislation, educationalists referred to the concept of children with 'special educational needs' (SEN), which usually only applied to children and young people with particular types of learning needs such as disabilities. Although this term is still used in the rest of the UK, in Scotland it has been superseded by the concept of additional support needs (ASN).

Additional support needs can arise from any factor which causes a barrier to learning, whether that factor relates to social, emotional, cognitive, linguistic, disability, or family and care circumstances. For instance, additional support may be required for a child or young person who:

- is being bullied
- has behavioural difficulties
- has long-term learning difficulties or disabilities e.g. dyslexia, dyspraxia
- has physical disabilities and/or health conditions e.g. diabetes, asthma, epilepsy
- is a young parent or carer
- has a sensory or mobility impairment, including impaired sight or hearing
- is at risk
- has recently been bereaved
- is a refugee or asylum seeker
- speaks English as an additional language
- has a mental health condition e.g. anxiety or depression
- has a parent with substance abuse issues
- has a parent in prison
- comes from a Traveller or gypsy/Romany community
- is exceptionally able or has particular talents
- is on the autistic spectrum.

Children who are being looked-after by the local authority or kinship carers are automatically deemed as needing additional support for learning.

There will be many other examples besides these. Some additional support needs will be long term while others will be short term. Some children will have needs arising from multiple factors in combination. The effect they have will vary from child to child. In all cases though, it is how these factors impact on the

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2009/7/contents>

individual child's learning that is important and this will determine the level of support required.<sup>2</sup>

The legislation confers a number of duties on local authorities; and creates rights for parents and for children. These are summarised in Annex A.

### ***Standards in Scotland's Schools etc Act 2000.***

A key legal development in terms of ASN in Scotland was the creation of the 'presumption of mainstreaming'. This refers to the requirement that local authorities provide school age children with education in mainstream schools, a requirement which is contained within Section 15 of the Standards in Scotland's Schools etc Act 2000.<sup>3</sup>

This section of the legislation specifies that where an education authority, in carrying out their duty to provide school education to a child of school age, provides that education in a school, the authority "shall provide it in a school other than a special school" *unless* specific circumstances set out in the legislation arise.

The specific circumstances described in the legislation, under which an education authority can provide education for the child in a school other than a special school, are that "to provide education for the child in a school other than a special school:

- (a) would not be suited to the ability or aptitude of the child;
- (b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
- (c) would result in unreasonable public expenditure being incurred which would not ordinarily be incurred".<sup>4</sup>

The legislation presumes that "those circumstances arise only exceptionally."

If one of these circumstances arises, the authority may still provide education for the child in question in a mainstream school, but they cannot do so without taking into account the views of the child and of the child's parents.

The EIS supports the presumption that children should be educated in mainstream schools in principle, but with strong caveats about:

- adequate resourcing for the schools accommodating pupils with additional support needs; and
- the importance of sustaining and valuing specialist provision where that remains the most suitable setting for a child.

Another important dimension of the Standards etc. Act is the provision in S.2 that an education authority providing school education has a duty "to secure that the education is directed to the development of the personality, talents and

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<sup>2</sup> Scottish Government, [Summary Handout on the Additional Support for Learning Act - 2nd Edition](#) (2006)

<sup>3</sup> Standards in Scotland's Schools Act, 2000: <https://www.legislation.gov.uk/asp/2000/6/section/15>

<sup>4</sup> Standards in Scotland's Schools Act, 2000, S15 (3)

mental and physical abilities of the child or young person to their fullest potential.”

## **Wider Legislative and Policy Context**

Meeting the variety of needs present in schools is primarily required by the legislation described above. However, it is also supported by an extensive architecture of laws and policies, including:

- the Curriculum for Excellence
- Getting it Right for Every Child (an aspect of the Children and Young People Act 2014) and the SHANARRI wellbeing indicators
- the UN Convention on the Rights of the Child.

The Equality Act 2010, which contains provisions around discrimination as it affects people with certain protected characteristics, e.g. disabled people, is also relevant here. Some young people may have additional support needs which overlap with the protected characteristics in this Act, e.g. Travellers whose needs arise from their ethnicity, or young people undergoing gender reassignment whose circumstances temporarily give rise to support needs. There is also interaction between the Equality Act and certain policies e.g. around exclusion.

Also of relevance is the policy priority given to addressing the impact of child poverty, and the Scottish Government’s ambition to close the poverty-related attainment gap<sup>5</sup>. i.e. the gap in attainment between the children from the lowest income homes and those from the highest income homes. There is a considerable overlap between living in poverty and experiencing additional support needs. Research by the Joseph Rowntree Foundation reports that “in Scotland, there is a notably higher prevalence of ASN among children living in the most deprived 20% of families” and that, for example, “six times as many children in the most deprived families are identified as having social, emotional and behavioural difficulties compared with the least deprived families”.<sup>6</sup>

The law requires efforts to address the disadvantage caused by poverty. Public bodies in Scotland are legally obliged to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions, by the Fairer Scotland Duty. This duty came into force in April 2018; it forms part of the Equality Act 2010.

The impacts on staff of under-resourcing of learner support prompt significant issues. For that reason, the Health and Safety at Work etc Act 1974 is also relevant, in relation to an employer’s duty of care and the requirement to undertake risk assessments in particular situations. Teachers’ workload concerns should always be discussed in the context of the SNCT Handbook<sup>7</sup> and local Working Time Agreements.

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<sup>5</sup> <https://www.gov.scot/policies/schools/pupil-attainment/>

<sup>6</sup> Special educational needs and their links to poverty, Shaw et al, for Joseph Rowntree Foundation, 2016. <https://www.jrf.org.uk/report/special-educational-needs-and-their-links-poverty>

<sup>7</sup> <http://www.snct.org.uk/>

The Education (Scotland) Act 2016 introduced measures to extend the rights of children with additional support needs. Under the Education (Additional Support for Learning) (Scotland) Act 2004, parents, carers and young people over the age of 16 with capacity (which means they understand what is being asked and any decision made) have certain rights relating to the identification, planning and review of their own educational support needs. The 2016 Act extends these rights to children who are 12 and over and have capacity<sup>8</sup> (see Annex A).

## **The gap between policy and practice**

Despite all of the above noted policy and legal infrastructure around meeting children's additional support needs, there now exists a substantial gap between promise and practice. Of particular concern to the EIS is the gap between the aspirations articulated by the Scottish Government in terms of policy and guidance, and practice within Local Authorities, which have drastically changed the criteria for accessing additional support over the last decade. Unceasing and significant budget cuts are at the root of this.

Of concern also is an assumption within some Local Authorities that all teachers can somehow meet a complex array of additional support needs through routine differentiation, and without additional resource. Below we discuss what is working well in ASL provision, and also, importantly, what is not working, and in so doing we hope to expose some of the gaps between Scottish policy intentions and teachers' and learners' daily experiences.

Some of the issues explored here have been considered elsewhere in recent years. For example, in 2017 the Scottish Parliament's Education and Skills Committee explored how ASL is working in practice and published a report<sup>9</sup> which stated that "A strong theme of evidence from parents and teachers...was the gap between the experience envisaged of inclusive education and the experience of the children they supported in practice" and that "the lack of resources, specifically staff, was regularly cited".

In 2019, the Scottish Government published research on ASL and the experience of children and young people and those that support them<sup>10</sup> which found that most local authority officers felt that there was still more to do to improve the balance of ASL provision, including developing the resources available in mainstream schools in terms of money, staff and facilities, and being able to recruit skilled teachers and support staff. The research states that "In some areas, there was a clear feeling from local authority officers and school staff that

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<sup>8</sup> Children in Scotland, *Factsheet: Education (Scotland) Act 2016* (published 2017)

[https://childreninscotland.org.uk/wp-content/uploads/2017/09/Factsheet\\_EducationAct2016\\_July2017.pdf](https://childreninscotland.org.uk/wp-content/uploads/2017/09/Factsheet_EducationAct2016_July2017.pdf)

<sup>9</sup> How is Additional Support for Learning working in practice? Report of 15 May 2017, SP Paper 140, 6th Report, 2017 (Session 5): [http://www.parliament.scot/S5\\_Education/Reports/ASN\\_6th\\_Report\\_2017.pdf](http://www.parliament.scot/S5_Education/Reports/ASN_6th_Report_2017.pdf)

<sup>10</sup> Additional Support for Learning: Research on the experience of children and young people and those that support them, March 2019, Scottish Government: <https://www.gov.scot/publications/additional-support-learning-research-experience-children-young-people-those-support/>

there were not enough resources to meet needs – particularly in mainstream schools”.

## **What is working well in ASL provision?**

Many young people are having their needs met in school. Classroom teachers across Scotland and others who work with them are working hard every day to try to ensure that children enjoy and achieve at school.

A range of strategies and approaches are being used to meet the diversity of need in the classroom, all of which should be used within the context of teachers’ Working Time Agreements. For example:

- Use of planning documents such as:
  - Learner Profiles and Strategies
  - Behaviour Support Plans
  - Individual Education Plan
  - Child’s Plan
  - Coordinated Support Plan
- Carefully planned use of nurture rooms and programmes
- Carefully planned use of safe outdoor spaces
- Carefully planned use of sensory rooms/welfare rooms
- English as an Additional Language services
- Multi-disciplinary meetings e.g. with speech and language therapists, social workers, and allied health professionals
- Personalised curricular materials
- Use of visual timetables
- Whole school approaches to inclusion, sometimes targeted at addressing the experiences of specific groups, e.g.
  - LGBT inclusion schemes such as work towards charters
  - Anti-racist and Holocaust education
  - Anti-bullying approaches
- Use of communication aids e.g. Makaton, Picture Exchange Communication System, Boardmaker symbols, Braille
- Use of hearing loops
- Physical adaptations e.g. ramps, handrails, adapted toilets.

Some forthcoming developments, announced by the Scottish Government in September 2018, are welcome. These include the provision of around 350 mental health counsellors in secondary schools (enabled by Scottish Government funding for Local Authorities), the provision of an additional 250 specially trained school nurses by 2022<sup>11</sup>, and the ongoing work of the Taskforce on Children and Young People’s Mental Health Improvement. The Scottish Government has also committed to “develop services for community mental wellbeing for 5-24 year olds and their parents to provide direct and immediate access to counselling

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<sup>11</sup> See p.65 of the Programme for Government, 2018-19:

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/09/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/documents/00539972-pdf/00539972-pdf/govscot%3Adocument>

sessions, self-care advice, family support, peer-to-peer support and group work with links to other care settings”.

New investment in educational psychology training is also welcome. However, we have concerns about the adequacy of what is being proposed and the extent to which new investment can undo the damage caused by many years of austerity, particularly if some developments take several years to be delivered, as is expected.

## **Inclusive approaches**

Schools use a wide range of inclusive approaches. Among these is inclusive pedagogy.

Inclusive pedagogy can be described thus:

“Instead of providing something different or additional for children who experience difficulties in their learning, inclusive pedagogy seeks to extend what is ordinarily available to everybody”.

Although this is only one element of meeting additional support needs it is increasingly being cited as a ‘solution’ to the difficulty of meeting the complexity of needs in the classroom, sometimes by those, including some local authorities, who advocate for more universalism and fewer specialist supports targeted at specific children. The EIS accepts the general principle of inclusive pedagogy but recognises firstly that current class sizes can militate against effective practice in this area and, also, that the needs of some pupils will always require specialist support.

The key underlying principles of inclusive pedagogy are that differences are part of the human condition; that teachers must have confidence that they are qualified to and are capable of teaching all children; and that the profession is responsive to the diversity of learning needs, with the creation of new ways of working with children and young people. While the EIS knows that teachers do develop such new ways of working, we also know that the range and complexity of needs of the children and young people within Scotland’s classrooms are increasing and it is not possible for all such needs to be met by teachers alone.

In 2014, the Scottish Teacher Education Committee developed an updated National Framework for Inclusion which is rooted in human rights and social inclusion principles, and which:

- recognises that any learner may require additional support at some stage
- acknowledges that a range of issues such as language, ethnicity, social class, poverty, disability and the learning environment may create barriers to learning and participation
- involves participation in: school and classroom communities; a common curriculum, systems of assessment, and social and extra-curricular activities
- redefines the roles and responsibilities of professionals, and the relationships between them.

We would re-iterate that while inclusive approaches are important, the needs of some children and young people in certain contexts will require more targeted interventions and support when those are necessary for the benefit of that child and their peers.

## **What's not working in ASL provision?**

Simply, there are not enough staff in the education system, and those who are there have too little time; often too many different additional support needs to meet within large classes; too little professional learning; and too few resources to meet the array of needs before them.

The EIS conducted a survey of over 10,000 members<sup>12</sup> as part of its 'Value Education, Value Teachers' campaign which laid bare the extent of teachers' concerns regarding Additional Support for Learning. **Over 78%** of respondents **disagreed** that "provision for children and young people with additional support needs is adequate in my school"

When asked how far they agreed with the following statement: "*The provision for children/ young people with additional support needs is adequate in my school*", responses varied by sector but showed that members were uniformly concerned by ASL provision:

- 42% of all respondents strongly disagreed; with nearly half of primary respondents strongly disagreeing (47%), a view shared by just over a third of secondary teacher respondents (35%) and just over a quarter of special school teacher respondents (26%)
- 37% of primary and the same proportion of secondary teachers disagreed, with nearly a third of those working in social schools (30%) also disagreeing
- Only 2% in primary and in secondary strongly agreed, and notably, only 14% of those working in special schools strongly agreed.

Respondents made their views very clear in comments:

*"There is a strong desire and willingness to meet the needs of all children in school; however, the presumption of mainstreaming is grossly underfunded, and some children are just not able to work within the mainstream i.e. classes of 30 and above. When identified as needing small group learning, there are no places available. The catch-all is that it is the duty and responsibility of all teachers to meet the needs of all children in their class."*

*"Children's mental health issues are increasing and support is lessening."*

*"Inclusion on the cheap leads to aggression and violence in a class. No support! And we're still expected to 'close the gap'..."*

*"Not enough staff to cope with disruptive behaviour caused by pupils who cannot cope well within a mainstream class setting."*

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<sup>12</sup> <https://www.eis.org.uk/Research/MemberSurvey>

Under-resourcing of ASL implementation was the third most pressing concern of members, and 52% of respondents stated that dealing with pupils' additional support needs was the aspect of working in teaching which created the greatest stress in the preceding 12 months, with this being the third most cited stressor.

We can summarise the problems in ASL provision in four categories:

1. Undervaluing
2. Under-investing
3. Rising need
4. Broader educational issues

## **1. Undervaluing**

### ***1.1 Undervaluing of specialism***

The EIS is concerned about a creeping undervaluing of specialism. We have anecdotal evidence that ASN teaching staff in schools are often used as short-term cover, especially as the supply crisis worsens, and their specialist skills and expertise are therefore not being deployed as they ought to be.

There are also too few specialist units. The presumption that most children will benefit from inclusion within mainstream educational settings should not mean that those children who could benefit immensely from the high staff:pupil ratios and particular environments of specialist provision should be denied that opportunity.

It is also important to recognise that for some children, even with good resourcing, mainstream schools are not the most suitable learning environment. Schools can be noisy, brightly-lit environments, which can be overwhelming for children with sensory issues. Some children with additional support needs simply cannot cope in these environments. There is still an important role for special schools within the Scottish education system.

We note with concern that the number of special schools in Scotland fell from 193 in 2008 to 114 in 2018, a drop of 41%; although the pupil population within special schools has remained fairly static, rising only slightly between 2008 and 2018, from 6,756 to 6,823.

### ***1.2 Undervaluing of ASN roles and the women who undertake them***

We believe that an issue which requires further attention is the undervaluing of the roles of both ASL/ASN Teachers and ASL/ASN Assistants, which in part we would suggest is linked to a societal undervaluing of work which is predominantly carried out by women, often (wrongly) perceived as something that 'anyone could do', where the skills involved are not fully understood or respected.

## **2. Under-investing**

### **2.1 Too few teaching staff**

Teacher Census data shows that there are too few staff working in ASL and that the general trend over recent years has been a decline in staff with specialist roles, e.g. Behaviour Support, ESL (English as a second language) or Learning Support. ASN teacher numbers fell in 16 out of 32 local authorities over the period 2007 to 2016; and in 2018 it was reported that the number of specialist teachers supporting pupils with additional support needs had fallen in 2017 for a fifth year in a row.

Data provided by the Scottish Government showed that across Scotland, in 2017, there were 3,358 Full Time Equivalent Additional Support Needs (ASN) Teachers (categorised by the government as teachers whose main subject is ASN, English as an Additional Language or primary teaching in special schools); by 2018 that figure was 2,862. The drop was 496 FTE ASN teachers.<sup>13</sup>

### **2.2 Overburdened teaching staff**

Teachers have excessive workloads, which mitigates against them being able to meet the needs of every child to the extent they would wish to.

EIS member survey data on workload reveals the extent of the problem:

- 82% of respondents are dissatisfied with their workload levels
- 64% of respondents reported working more than 5 hours extra a week, with 35% of those stating that they worked more than 8 hours on top of their part-time contracted hours.

When asked, "Which aspects of your work have provided you with the greatest stress in the past 12 months?", workload was the most frequently selected aspect (61.2%); and dealing with the additional support needs of pupils was selected by 52% of respondents. Dealing with the behaviour of students was selected by over half of respondents (51.6%) and violence/abuse in the classroom was selected by nearly a fifth of respondents (18.4%).

Teachers who are required to take part in multi-agency planning and support meetings need to be released from other duties in order that they can take part in such meetings and to engage meaningfully with parents and carers of children requiring additional support, within the parameters of their contractual working time; they also need time to act on the decisions taken in such meetings; and to develop, implement and review plans and strategies for supporting learners. This represents a significant challenge, as we know that teachers are already finding that the demands of the job exceed the hours for which they are paid. The issue of having inadequate time within contracted hours for the creation of differentiated curricular resources is also a pressing one.

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<sup>13</sup> Data provided in response to Parliamentary Questions, S5W-22108, S5W-15654 and S5W-13573: See <https://www.parliament.scot/S5ChamberOffice/WA20190320.pdf>; and <https://www.parliament.scot/S5ChamberOffice/WA20180109.pdf>

Teachers report that the current ASL climate creates a significant workload, citing, for example:

- more time spent on records creation; review meetings; meetings with parents; GIRFEC processes; curriculum differentiation; and doing tasks previously done by classroom and support assistants
- reduced time for preparing learning materials, marking, etc.
- reduced ability to plan working day, due to constant child protection/support issues, emergencies, medical issues
- their own time, beyond their Working Time Agreements, spent pursuing professional learning, where available, or dealing with emergent issues, and taking no breaks, including at lunchtime.

Our members have reported that moving to a crisis-led role, with less time for preparation of learning and teaching materials, and with the workload burdens elaborated above, makes them more likely to leave teaching, due to stress and unreasonable expectations. Losing qualified, experienced teachers from the profession adds to others' workloads and damages morale across the school community.

### ***2.3 Too few learning/support assistants***

In addition to there being too few teaching staff, there are also too few ASL assistants. Schools should have enough teachers, including those with ASN qualifications, to enable them to meet the needs of all children; but we firmly believe that provision should also be augmented with assistants who are appropriately skilled in addressing the diversity of additional support needs. Learning provision needs to be a partnership between teachers and specialist assistants, with teachers, as the most highly qualified professionals in the classroom, leading young people's learning; and assistants contributing targeted support as needed.

We regret the continuing depletion of ASL assistants across the education service. Some schools no longer have any one-to-one support for pupils with additional support needs, or have no specialist services. Members report that this has presented significant challenge. The number of ASL assistants declined by 730 (FTE) between 2013 and 2016.

The EIS is also concerned by the disparities between authorities in terms of how many learning support assistants they employ. Some authorities have almost double the number of such staff as others, despite being geographically similar.

### ***2.4 Too few Educational Psychologists***

There are far too few Educational Psychologists, which hinders the assessment of needs. The number of EPs practising in Scotland fell by a tenth in the three years from 2012 to 2015. There were 370 trained EPs practising in Scottish local authorities in 2015 - 10% fewer than the 411 practising in 2012. We would link this to the 2012 Scottish Government decision to remove bursary funding from the course.

We welcome, therefore, that in May 2018 the Scottish Government reached agreement with COSLA for a new partnership funding package for trainee educational psychologists, to cover trainees' fees and living costs. It is a positive development that the University of Dundee started 29 new trainees under the new arrangements in September 2018 and advertised for a 2019 intake.

However, we remain concerned about the supply of Educational Psychologists, especially as Strathclyde University decided in late 2018 not to invite applications for a 2019 intake. Teachers' experience in schools remains that access to Educational Psychologists is both infrequent and insufficient.

### ***2.5 Too few specialist mental health services***

Children and young people are having increasing difficulty accessing specialist mental health services such as CAMHS (Child and Adolescent Mental Health Services). Waiting times for these services have been increasing to the extent that they have been described by a Scottish Government Minister as "completely unacceptable"<sup>14</sup>; over 30% of young people are still waiting to start their treatment after the 18-week waiting time target, set in 2014, with many waiting over a year for treatment. The new Scottish Government commitment to fund a degree of school-based counselling is welcome but the provision will be limited.

### ***2.6 Cuts to specific services***

Some children's needs are best met when teachers can augment the support offered in the classroom with support from specialists such as English as an Additional Language (EAL) teachers or Speech and Language Therapists. Under austerity budgeting, many of these services have experienced significant cuts. Members report increasing difficulty in referring children to the services they need to be fully engaged and involved in their education.

### ***2.7 Delayed identification of need***

Not all additional support needs are medical or diagnosable in nature but many, such as autism spectrum disorders, are. In those cases, early diagnosis is helpful. The current lengthy delays between referral, diagnosis and receipt of post-diagnostic support, caused in part by the shortage of child and adolescent mental health and educational psychology services, are unhelpful to the child or young person, their family, and those in their learning establishment.

### ***2.8 Overly large class sizes***

EIS policy is that no class should exceed 20 pupils, while various circumstances in our view justify smaller groups (e.g. composite classes, classes featuring pupils with additional learning needs). We regret the Scottish Government's failure thus far to meet its target of reducing class sizes; in fact, class sizes continue to edge upwards.

Evidence clearly indicates that smaller classes have a significant impact on the quality of the learning experience, the ability of teachers to respond to pupils' needs, and on achievement and attainment. Many pupils with additional support

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<sup>14</sup> <https://www.itv.com/news/2018-09-04/child-mental-health-waits-worst-on-record/>

needs, such as pupils with autism, would benefit from smaller groupings. Quite simply, a smaller number of people in the room would reduce the amount of noise, movement and unpredictable action that many autistic children find distressing, while enabling greater one to one support for individual children.

In 2016, 11% of Scotland's primary pupils were in a class of more than 30, compared to 9% in 2011. In 2018, 14.3% of Scotland's primary pupils were in a class of 31-33.<sup>15</sup> When different stages are considered, the problem is more pronounced: for example, 18.6% of primary 4-7 pupils were in classes of more than 30 in 2018.

## **2.9 Too little professional learning for teachers**

It is important for all professionals working with children and young people to have appropriate, recognised qualifications. Regrettably, access to specialist qualifications on ASL has been eroded over the past two decades. In the past, teachers had access to funded post-graduate learning, with cover provided by the employer and time provided to enable the course of study to be completed successfully. Such opportunities rarely exist now. Teachers who engage in professional learning about ASL matters often do so in their own time (on top of a huge workload) and at their own expense.

Schools lack funding to cover the cost of supply staff to enable release from the classroom of teachers wishing to undertake relevant professional learning, and where funding may be available for cover, the requisite teachers are not.

Beyond recognised qualifications and training courses, we are aware that there are some good resources which can bolster teachers' knowledge, e.g. the autism toolbox, Education Scotland e-learning modules on inclusion, the Dyslexia Toolkit etc. However, teachers lack the time to take part in all the self-directed personal study that they wish to. They also report that their preference is for high quality training and often that online options are less rigorous.

EIS members, when surveyed in 2018, expressed serious concerns about their access to professional learning on additional support needs: 54% disagreed, and 23% strongly disagreed when asked if they had sufficient time to undertake professional development opportunities.

*"Staff in special schools have access to [communication] training but in mainstream where we are now hosting more severe cases of autistic pupils (particularly in remote authorities) those staff are at the mercy of whole school CPD budgets shared with all teachers. The training costs £330 for 2 days training plus supply in school (if you can get supply teachers). Everything offered in terms of training is in house, online or twilight, not of the same quality and merely scratches the surface."*

ASN Teacher, South of Scotland

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<sup>15</sup> Table 2.12, Pupil census: <https://www2.gov.scot/Topics/Statistics/Browse/School-Education/dspupcensus/dspupcensus18>

## **2.10 Changing criteria for accessing support**

We are aware of serious issues with the assessment process across many local authorities at present. Our members report that the children with the most serious and complex learning difficulties are getting priority, and others who can by and large manage in school are not being assessed quickly enough or with enough external inputs.

Members who took part in an EIS focus group on the issue of criteria for accessing support for young people showed a remarkable degree of consensus. Their views can be summarised as follows.

- There have been substantial changes in criteria for establishing learning support needs, with an expectation that only the most complex needs will get any specialist intervention and that class teachers can meet all other needs.
- Changes to criteria and support have been driven by budgetary rather than educational factors.
- Members are not satisfied that teachers' perspectives as to what is required to meet the needs of learners with additional support needs are taken into account by the authority and by school management. They feel unheard and often patronised on these issues.
- There has been significant change in the past ten years with learning support becoming much harder to access and more complex needs presenting in mainstream settings.
- The impacts on learners, staff and the climate in educational establishments have been substantial, causing members increased stress and workload.

The EIS commissioned research on this matter from the University of Aberdeen. It can be found on the EIS website.

## **3. Rising need**

### **3.1 Rising need in the learner population: more children with ASN**

There has been a year on year increase in the number of children with additional support needs in both primary and secondary schools in Scotland. The number of children recorded as having additional support needs was over three times higher in 2018 than in 2010.

- In 2018, **196,698** pupils had identified Additional Support Needs, compared to **55,541** in 2010.
- In 2018, there were **192,243** pupils with Additional Support Needs in mainstream primary and secondary schools, compared with **31,960** in 2008.<sup>16</sup>

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<sup>16</sup> All data sourced from the Scottish Government pupil census:  
<https://www2.gov.scot/Topics/Statistics/Browse/School-Education/dspupcensus>

In 2018, just over a quarter of all primary school children (25.4%) were identified as needing additional support within mainstream schooling. In secondary schools there were over six times as many children with additional support needs in 2018 than identified a decade earlier: 90,985 compared with the 2008 total of 14,334. Scottish Government Pupil Census data tells us that nearly a third of all children attending mainstream secondary schools require some level of additional support (31.7% in 2018); and that proportion has been steadily increasing over recent years.

Across the primary and secondary pupil populations combined, over 1 in 4 school pupils has an identified additional support need.

### **3.2 Rising need in the learner population: more mental health issues**

The issue is not merely volume of need. Not only are there more children with additional support needs in the learner population overall, the complexity of their needs is rising. For example, it is now well recognised that children and young people are experiencing poorer mental health than previous generations.

One in ten children and young people aged five to 16 has a clinically diagnosable mental illness. In 2018 it was reported that there had been a 22% increase in the number of referrals received by specialist services since 2013/14.<sup>17</sup> This increase followed on from a sharp rise in the identification of mental health conditions in children in the preceding years: in the period between 2008 and 2014, reports of a mental health condition in people aged 4-24 grew by 75% in Scotland, with boys aged 4-12 being consistently more likely to report a long-standing mental health condition than girls.<sup>18</sup>

The Mental Health Foundation reports that 20% of adolescents may experience a mental health problem in any given year<sup>19</sup>. It has also reported on the mental health challenges experienced by various other young people facing extra difficulties, including teenage girls, young people with learning disabilities, looked after children, young carers, and LGBT young people.

Whilst the level of need created by poor mental health is rising, the support remains inadequate. There was a 24% increase in the number of referrals rejected by specialist services between 2013/14 and 2018; and in 2017/18, children waited an average of 11 weeks for their first treatment appointment.

### **3.3 Rising need: more children growing up in poverty**

Continuing austerity is also adding a layer of challenge. One in four children in Scotland lives in relative poverty<sup>20</sup> which is strongly linked to having additional support needs. The Growing Up in Scotland study found that there was a notably higher prevalence of additional support needs amongst children living in the two

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<sup>17</sup> Children and Young People's Mental Health report, Audit Scotland, September 2018. [http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr\\_180913\\_mental\\_health.pdf](http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf)

<sup>18</sup> <https://www.nuffieldtrust.org.uk/news-item/striking-increase-in-mental-health-conditions-in-children-and-young-people>

<sup>19</sup> <https://www.mentalhealth.org.uk/statistics/mental-health-statistics-children-and-young-people>

<sup>20</sup> <https://www2.gov.scot/Resource/0053/00533142.pdf>

most deprived quintiles. This was apparent for both boys and girls, with boys in the most deprived quintile reporting rates of nearly twice the average.<sup>21</sup>

Children from the most deprived areas are also presenting more often than their more affluent peers with mental health difficulties. One study found that 7.3% of children from the most deprived areas had mental health difficulties at the start of school, rising to 14.7% by primary three. The Mental Health Foundation reports that children in the lowest income quintile are 4.5 times more likely to experience severe mental health problems than those in the highest.<sup>22</sup>

A 2018 Audit Commission report on child mental health<sup>23</sup> stated that children living in low income households are three times more likely to suffer mental health problems than their more affluent peers.

### **3.4 More disruptive, challenging and violent behaviour**

The EIS understands that all behaviour is communication, and that some behaviour which presents as very challenging in schools is a manifestation of distress. However, teachers are entitled to a safe place of work.

Our members working with children with additional support needs, including autism spectrum disorders, report that their daily work can be very rewarding, but it is also difficult and stressful, and they can experience serious violence and disruption from pupils, including being bitten, spat on, scratched, slapped and grabbed. Many colleagues report behaviour management concerns as their biggest difficulty, and don't feel safe at work.

Institute policy relating to challenging behaviour, violence and physical restraint has been set out in a number of policy papers. A summary document has been issued to Local Association Secretaries and has been placed on our website<sup>24</sup>. The information below draws on some of the key recommendations from these papers; however, all members are encouraged to consult the EIS website for a full list of policies and guidance on this issue.<sup>25</sup>

The right to exclude a pupil from school derives from Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. The right to exclude is devolved to Headteachers by Councils. School exclusion of a pupil with additional support needs may involve consultation with other professionals. Under the Equality Act 2010 a school might be found to have discriminated against a pupil if that pupil is excluded by reason of a protected act. It may be a reasonable adjustment not to exclude.

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<sup>21</sup> <https://www.gov.scot/publications/growing-up-scotland-early-experiences-primary-school/pages/10/>

<sup>22</sup> <https://www.mentalhealth.org.uk/statistics/mental-health-statistics-poverty>

<sup>23</sup> [http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr\\_180913\\_mental\\_health.pdf](http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180913_mental_health.pdf)

<sup>24</sup> <https://www.eis.org.uk/PoliciesandGuidance/Violence>

<sup>25</sup> [www.eis.org.uk](http://www.eis.org.uk)

There should also be explicit recognition of the advice on violence from the EIS through its Employment Relations Department. This is as follows<sup>26</sup>:

- The EIS recognises that violence against teachers is a major concern to EIS members
- The EIS must be fully consulted, at establishment level, on decisions arising from violent incidents against teachers
- Local Negotiating Committees for Teachers (LNCTs) should seek agreement on the operation of local authority exclusion policies when acts of violence take place
- LNCTs should agree policies on minimising the risk of violence and on recording and reporting procedures locally
- Local Association Secretaries are advised to comply with national EIS advice on reporting, monitoring and recording of violent incidents when reaching local agreement on these matters.

The EIS also advises that risk assessments should be considered, to assess the risk from any pupil who is violent or abusive, whatever the root cause of the behaviour.

Mainstream schools can be noisy, hectic environments which can pose very significant challenges for some children, e.g. children with autism who are highly sensitive to sensory inputs. When any child is struggling to cope with the school day and thus displays very challenging or distressed behaviour, and when all other available strategies to de-escalate their distress and to comfort the child have been exhausted, schools sometimes call on parents/carers to take the child home, judging this to be in the best wellbeing interests of the child (and, in some instances, their safety, and that of peers and staff). Such interventions should always be recorded.

It is critical that schools can use appropriate de-escalation techniques to keep a distressed child, their peers, and the staff in the school safe, but also that there is time for staff to discuss with individual pupils and parents/carers approaches to the prevention of distressed behaviour in school. More nurturing spaces in schools to offer 'breathing space' would also make a significant difference.

## **4. Broader educational issues**

### **4.1 *Narrow attainment narratives***

The current debate about attainment in Scottish schools, which has had a focus on achievement of Curriculum for Excellence (CfE) levels, Scottish Qualifications authority (SQA) exam results and standardised assessment data, has not visibly taken into account other types of achievement. This narrowing of the discourse around what achievement means is concerning for EIS members. Some children with additional support needs will have very different achievements than those captured by CfE levels and SQA exam data, and that is hugely important and

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<sup>26</sup> EIS, *Supporting teachers, tackling indiscipline Report of the EIS Committee on Pupil Indiscipline* (June 2006) [https://www.eis.org.uk/Content/images/EIS%20Policies/supporting%20teachers\\_tackling\\_indiscipline\\_report.pdf](https://www.eis.org.uk/Content/images/EIS%20Policies/supporting%20teachers_tackling_indiscipline_report.pdf)

valid. What ought to matter is children and young people learning within and demonstrating progress in relation to the four capacities of the Curriculum for Excellence.

#### **4.2 Difficulties accessing 'alternative assessment arrangements'**

Of concern to EIS members is the impact of SQA decision-making on students with additional support needs, and the workload of their teachers. The introduction of exams in some subjects at National 5 and Higher, and the lengthening of exams in most subjects, may pose particular challenges for some young people with additional support needs. For many such young people, sustaining concentration for such prolonged periods of time is an unfair demand.

Whilst there is the option to apply for Alternative Assessment Arrangements to support such students, the SQA demands that applications, supported by evidence, which can be very time-consuming to gather, are made on an annual basis, in every subject that the student is being presented for. The EIS has urged the SQA to adopt a more streamlined, common-sense approach to the application process but this, so far, has not occurred.

### **The impact of under-investing in ASL**

Teachers have reported that the current climate, of under-investment in ASL, is having an impact across the whole learning population, and is detrimental to the wellbeing of the teaching workforce; the wellbeing of young people; and the educational experience for many young people.

#### ***Detriment to teachers' own health and wellbeing***

Teachers have reported reduced morale, owing to a feeling of failing young people and their families; a feeling of their efforts being futile; feeling blamed for repetitive unacceptable pupil behaviour; feeling unsupported by SMT; and having ongoing concern for vulnerable children.

They have also reported increased stress and risk of personal injury or other health impacts, because of exposure to violent incidents, personal abuse or aggression, from learners who require more support but are not getting it, and their parents.

Overall, teachers are telling us that the current ASL climate is leading to reduced wellbeing both at and outside of work – citing, for example, lack of sleep, headaches, generalised anxiety – all of which potentially contribute to more long-term absence. They also report frustration caused by the lack of opportunities to undertake relevant professional learning.

An EIS member focus group highlighted the impacts on staff:

*"We feel stressed and de-skilled."*

*"Teachers feel like they are failing all the time"*

*"Members are developing stress-related illnesses, taking long-term absences, and having difficulty with sleep, including members with 15 years' experience of*

*complex ASN. It is very stressful dealing with a challenging class of emotional and behaviour related needs of which I was not trained to deal with”.*

### ***Detriment to young people’s wellbeing***

There are multiple health and wellbeing impacts being reported for learners, including those learners who have additional support needs and those who don’t. Learners who have additional support needs can experience reduced morale, due to:

- receiving less support to have their needs met than is required;
- being in larger class size(s) than is optimal;
- being less supported to take part in enrichment/after-school activities than is required;
- lower self-esteem caused by all of the above;
- higher levels of generalised anxiety;
- being more likely to display challenging behaviour;
- being involved in more violent incidents, fights and low-level disruption to learning; and
- experiencing a loss of dignity e.g. when they exhibit high levels of distress (“a meltdown”).

Among the general pupil population, learners can experience higher levels of anxiety due to more stressful atmospheres developing when children do not receive the requisite support; stress caused by disrupted learning e.g. when a classroom has to be evacuated due to a violent incident; potential distress caused by witnessing peers’ violent behaviour; and overall, reduced enjoyment of school.

### ***Detriment to young people’s educational experiences***

Teachers have reported that the current climate, of under-investment in ASL, is having an impact across the whole learning population. They have shared concerns about:

- Some pupils being unable to access learning due to social/emotional issues
- Less access to learning support for some pupils, as this is diverted to supporting the most complex and severe needs, e.g. less support for children with dyslexia
- Some pupils having longer waits for work to be marked or new work set
- Some pupils having fewer positive interactions with Senior Management Teams or other teachers who are dealing with large numbers of acute cases/crises
- Some pupils receiving less attention from teachers but also feeling more stress caused by constant formal assessment in senior phase classes
- Risk of reduced attainment, due to increasing non-attendance, opting out of school, disruption of learning or less time with teachers
- Differential impacts depending on socio-economic status: children from higher income families often getting more support than those from poorer backgrounds, as a result of more strident parental advocacy

- Less support available at transition times
- Less exposure to demonstrations, discussions, etc. as these are curtailed when teaching is adapted to suit the needs of pupils whose difficulties, from being inadequately supported, have the potential to disrupt learning.

## Recommendations

To turn the promise of ambitious legislation and policy into truly inclusive practice in schools and nurseries, requires significant and sustained investment of energies and resources in:

- Attracting and retaining more ASN teachers and support assistants
- Attracting and retaining more classroom teachers
- Valuing ASN roles and those who undertake them
- Addressing teacher workload and morale
- Supporting the provision of sustained, meaningful, high-quality professional learning on ASN matters
- Supporting the development of nurturing and inclusive pedagogies
- Reducing class sizes
- Supporting vital ancillary services such as EAL, mental health services, speech and language services, etc.
- Supporting the practical operation of GIRFEC, especially multi-agency meetings
- Addressing challenges posed by the school environment, including the deficit in nurturing spaces and outdoor spaces
- Assisting learners with additional support needs to secure appropriate alternative assessment arrangements
- Broadening the discourse around achievement and attainment
- Identifying needs at the earliest possible point of a child's life.

**All key actors in the Scottish education system, including local and national government, trade unions and professional associations, Education Scotland, and awarding bodies will need to develop a collective response to the issues raised by the EIS in this publication. "Inclusion on the cheap" is not acceptable. Scotland's children and young people, and their teachers, deserve better.**

## **Annex A – Duties and Rights**

### **Duties Placed on Education Authorities**

The Education (Additional Support for Learning) (Scotland) Act placed several duties on local authorities. Below is a summary.

Education authorities must:

- make adequate and efficient provision for each child or young person with additional support needs for whose education they are responsible
- keep under consideration the needs and the adequacy of support for each child or young person with additional support needs
- take account of additional support needs of children in providing school education generally
- provide appropriate additional support for disabled children under 3 (or under 5 if not in a public or partnership nursery), where the child has been referred by a health authority and has additional support needs
- put in place arrangements to identify additional support needs and to consider if a child requires a Co-ordinated Support Plan (CSP)
- meet requests from parents and act on referrals from others (unless unreasonable) to identify a child's additional support needs or establish if they require a CSP
- prepare a CSP if it is established that a child or young person requires one
- when preparing or reviewing a CSP, tell parents about this, inform them of the outcome and of their rights of appeal, and provide them with a copy
- seek and take account of advice and information (including formal assessments) from other agencies (e.g. health, social work services)
- seek and take account of views of the child and their parents, and any information they may provide, such as an independent assessment report
- keep under consideration the adequacy of each CSP and formally review each CSP at least every 12 months, making appropriate adjustments
- review a CSP earlier than 12 months if there has been a significant change in the child's circumstances or if parents request this (unless the request is unreasonable)
- publish their policy and arrangements for identifying and addressing additional support needs, what the role and rights of parents and children are and whom parents should contact to obtain information and advice
- provide independent mediation services for all parents of children with additional support needs and publish information on these services
- request, and take account of, information and advice from agencies likely to support the child when he or she leaves school in providing adequate additional support in the period up to leaving school. This must all be done at least 12 months prior to the expected school leaving date
- provide information to whichever agencies will be responsible for supporting the young person once they leave school, including FE Colleges, if the young person agrees. This must be at least 6 months

before the young person leaves school to allow preparation and planning with other agencies for a continuum of support

- ensure that the provision made for those with a Record of Needs is not reduced before consideration for a Co-ordinated Support Plan has taken place (unless there is a significant change in the needs of the child or young person).

## **Parents' rights**

ASL legislation creates a number of rights for parents, such as the right to request that the education authority find out whether their child needs a Co-ordinated Support Plan and the right to make a placing request to an independent special school if their child has additional support needs (at present only those with a Record of Needs can do this). To support parents to access their rights under the ASL Act, the Scottish Government funds Enquire, an advice service.<sup>27</sup>

## **Children's rights**

The Education (Scotland) Act 2016 introduced measures to extend the rights of children with additional support needs. Under the Education (Additional Support for Learning) (Scotland) Act 2004, parents, carers and young people over the age of 16 with capacity (which means they understand what is being asked and any decision made) have certain rights relating to the identification, planning and review of their own educational support needs. The 2016 Act extends these rights to children who are 12 and over and have capacity.<sup>28</sup>

Once children reach their 12th birthday they have the right to:

- ask their school or local authority to find out if they need extra support
- have a say in plans and decisions made about the support they get
- advocacy at meetings about their support needs to help them share their views, questions some plans or make an appeal about certain issues if they are unhappy with the support provided
- be more involved in resolving disagreements about their support.<sup>29</sup>

Safeguards have been put in place to protect children who do not have capacity to make their own decisions or where making use of their rights would have a negative impact on their wellbeing.

The Scottish Government have funded a children's service called "My Rights My Say"<sup>30</sup> to ensure children know about and understand their rights and are able to access advocacy and legal representation where needed when using their rights.

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<sup>27</sup> <https://enquire.org.uk/>

<sup>28</sup> Children in Scotland, *Factsheet: Education (Scotland) Act 2016* (published 2017)  
[https://childreninscotland.org.uk/wp-content/uploads/2017/09/Factsheet\\_EducationAct2016\\_July2017.pdf](https://childreninscotland.org.uk/wp-content/uploads/2017/09/Factsheet_EducationAct2016_July2017.pdf)

<sup>29</sup> Enquire, *New rights for children with additional support needs* (January 2018)  
<http://enquire.org.uk/asl/new-rights-children-additional-support-needs/>

<sup>30</sup> Enquire, My Rights, My Say <http://enquire.org.uk/myrightsmysay/#>

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