

EXCERPT OF MINUTE OF MEETING OF THE EDUCATION COMMITTEE HELD ON 30 NOVEMBER 1999**POLICY ON "LOOKING FORWARD: RESPONDING TO CHILDREN'S RIGHTS AND INDIVIDUAL EDUCATIONAL NEED"**

15. **C** With reference to paragraph 16 of the Minute of this Committee held on 1 December 1998 when, inter alia, the Committee had (1) authorised the Director of Education to undertake a comprehensive review of the framework and context for the provision and delivery of services in respect of special educational needs, and (2) requested the Director of Education to report on the outcome of the review, there was submitted a joint report (docketed) dated 10 November 1999 by the Directors of Education and Community Services (a) advising that a draft policy on children with individual educational needs had been formulated and circulated for consultation purposes; (b) setting out in the report the policy document which had been revised in light of the feedback received from the consultation process; (c) intimating that, in line with best practice and changing demand, the policy document provided a framework within which the Council could further develop its services to children and young people with individual educational needs in the years ahead, and (d) recommending that the policy on "Looking Forward: Responding to Children's Rights and Individual Educational Need" should replace the existing policy entitled "Every Child is Special".

Decided:

- (1) that the policy "Looking Forward: Responding to Children's Rights and Individual Educational Need", as set out in the report, be approved;
- (2) that the policy entitled "Every Child is Special" be replaced by "Looking Forward: Responding to Children's Rights and Individual Educational Need", and
- (3) that the report be remitted to the Social Work Committee and the Social Inclusion Committee for their interest.

NORTH LANARKSHIRE COUNCIL

REPORT

To: Education and Committee	Subject New Policy on Children with individual educational needs
From: Director of Education and Director of Community Services	
Date: 10 November, 1999	
Ref: m MON/LW/NR	

Purpose of Report

This report provides members with information on the consultation exercise relating to a new policy for children with individual educational needs and details the proposed policy resulting from this exercise.

Recommendations

The education committee is asked to:

- (i) Approve the report and adopt the policy contained therein as the council's new policy replacing "Every Child is Special"
- (ii) Authorise the director of education to disseminate the policy and take forward its outcomes.

Christine Pallock

Members wishing further information about this report should contact:

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NORTH LANARKSHIRE COUNCIL - DEPARTMENT OF EDUCATION

Looking Forward: Responding to Children's Rights and Individual Educational Need

Report by Director

1. BACKGROUND

- 1.1 In December 1998 Committee approval was given to consult with teachers, pupils, parents, other departments and agencies, the wider community, and the voluntary sector regarding a policy to replace "Every Child is Special" which had been adopted from Strathclyde as the council policy in relation to children and young persons with special educational needs.
- 1.2 In seeking approval to go to consultation the director also advised members that it was the department's wish to enable council to have a new policy in place for the millennium.
- 1.3 Subsequent to Committee approval, a draft policy was formulated based on legislative changes, national guidelines in the area of special educational need, and council policy in relation to raising achievement and social inclusion.
- 1.4 Full copies of the draft policy were sent to other departments of the authority, the unions, teachers, and a wide range of interested bodies. Copies were made available in public libraries and council offices. Leaflets were also made available in the major ethnic minority languages as part of the consultation with ethnic minority groups.
- 1.5 A number of consultation meetings were held with staff, and local meetings were held in a number of venues with parents and interested groups.
- 1.6 Comment was also invited from major agencies such as health and social work.
- 1.7 The results of the consultation are outlined in Appendix 1.
- 1.8 A sample of some parental comments from the consultation exercise:
 - *"All children deserve the right to full citizenship, regardless of their diversity"*
 - *"Children with special needs would be a good asset to existing community schools."*
 - *Attitudes in general society must be changed considerably before exposing SEN learners to the risks of so-called "Inclusion".*

- *"It is important that the special needs child feels everyone around his or her education has the same goals."*
- *The department of education in North Lanarkshire Council should be commended for the instigation of this policy. It is long overdue but is finally keen to provide equal opportunities for all pupils, regardless of disability."*
- *"If children with special educational needs and children in need have their classes with their own teachers in mainstream school I think it would benefit both these groups of children and "normal" children."*
- *"Yes, these are imperative long-term aims. Their implementation should remove barriers, provide opportunities for professionals and parents to work together and real chances for children to realise their potential."*

2. Outcomes

- Subsequent to the consultation exercise, the draft policy has been further amended to take account of the feedback provided.
- The department believes that the policy as proposed reflects wider council policy as well as national guidelines and wider government policy.
- It also provides a framework within which the council can further develop its services to children and young people with individual educational needs in the years ahead in line with best practice and changing demand.

• RECOMMENDATIONS

The education committees is asked to:

- (i) approve the contents of the report and adopt the policy enshrined therein.
- (ii) authorise the director of education to take the policy forward thereafter.
- (iii) Remit the report to the social work and social inclusion committee for information

Michael O'Neill

NORTH LANARKSHIRE COUNCIL**DEPARTMENT OF EDUCATION****LOOKING FORWARD: RESPONDING TO CHILDREN'S RIGHTS AND INDIVIDUAL EDUCATIONAL NEEDS****Working together for quality services in the new millenium**

This policy paper has been prepared following an authority-wide consultation process. Both service users and providers were asked about the appropriate form and content of a policy paper on the services required to respond to both the Children (Scotland) Act 1995 and legislation Special Educational Needs. A summary of the consultation process and responses may be found in Appendix 1

1.0 Introduction

1.1 At the time of re-organisation of local government in 1996, North Lanarkshire Council adopted the Strathclyde Regional Council policy on special educational needs, Every Child is Special, as its interim policy in this area. In the period since the development of the Strathclyde policy there have been changes in the law concerning children and many developments in services for special educational needs. At the time that Every Child is Special became a Strathclyde policy, there was no overall council policy for social inclusion and raising achievement. Since 1996 North Lanarkshire has developed council-wide strategies to promote inclusion and to combat social exclusion.

1.2 The intentions of Every Child is Special, to provide a policy that is relevant to any child, and to consolidate and build on good practice, remain. However a North Lanarkshire policy document for the new millenium must have a focus firmly based on changing attitudes and recent legislation, in particular the Children (Scotland) Act 1995.

1.3 North Lanarkshire Council, in common with many councils across Scotland has made combating social exclusion a key feature of corporate policy. The UNESCO Salamanca Statement of 1994, underlining the commitment to education for all children, says

'Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education for the majority of children...'

1.4 The Framework for Action document which accompanies the Salamanca statement identifies the fundamental principle of the inclusive school as being that all children should learn together, where possible. This principle is endorsed by North Lanarkshire Council.

1.5 The Department of Education has made a commitment to inclusive schooling through its major policy initiative on Raising Achievement. This is the over-arching policy statement concerning the provision of education to allow all children to meet their full potential. The aims of Raising Achievement are therefore a key feature of the department's policies with respect to a wide range of initiatives including the provision of pre-5 places, early intervention and New Community Schools.

1.6 In North Lanarkshire, the term 'inclusion' is not just a slogan about placing all children in mainstream schools, it is about the way services work together in addressing children's rights. There are two main ways in which inclusion is incorporated into the Education Department's working practice:

- including the child and her/his parents/carers in the decision-making process concerning her/his educational placement and progression
- identifying an educational placement for every child which aims to ensure that he/she benefits from inclusion within the local community.

1.7 The first consideration in the placement of every North Lanarkshire child will be a mainstream school; however the final decision about the most appropriate placement for any child will be based on ensuring that the child has the opportunity to develop to her/his full potential. For some children, at certain stages, this may mean that they should be placed in a specially supportive educational setting, where resources can best be focused on helping them to achieve to their potential.

2.0 Background: Legislation and Council policies

2.1 North Lanarkshire Council has a whole-council policy on children which is based on the United Nations Convention on the Rights of the Child and on the Children (Scotland) Act 1995, which incorporates the UN Convention into Scottish Law.

2.2 The UN Convention has three main themes which, it says, should be part of all children's services:

- all children have equal rights regardless of gender, race, language, religion, disability, opinion or family background
- priority should be given to what is in the best interest for children
- children have the right to comment on issues which affect them.

2.3 These themes are built into the Children (Scotland) Act 1995, which states that children are entitled to:

protection from ill treatment and harm
 participation in decisions affecting them
 provision of services to meet their needs.

2.4 The Children (Scotland) Act 1995 outlines a duty on local authorities to provide services for children described as 'children in need'. These are children who require support for one or both of the following reasons:

- they are unlikely to achieve or maintain a reasonable standard of health or development
- they are disabled, or adversely affected by the disability of another family member.

2.5 North Lanarkshire is thus under an obligation to provide services to 'children in need' which will:

safeguard and promote their welfare
 promote their upbringing by their families.

2.6 The three themes built into the Children (Scotland) Act 1995, for protection, participation and provision of services to meet needs, are the basis of the Education Department's overarching raising achievement policy, Aiming Higher. The Aiming Higher policy sets out to address the rights of **all** children to be educated to their full potential.

2.7 More specifically, this policy is designed to address the rights and needs of those of our children who may be described as Children in Need or children with special educational needs. In North Lanarkshire the definition of 'children in need' adopted by the council includes children described as having special educational needs, children who are affected by the disability of a family member and children who are 'looked after and accommodated' by the authority.

2.8 The Education (Scotland) Act 1980 provides the legal definition of 'special educational needs'. A child or young person may be

described as having special educational needs if he/she has a *learning difficulty* which means that she/he

- experiences significantly greater difficulty in learning than most people of her/his age; or
- has a disability which leads to him/her requiring educational support which is greater than that usually available in authority schools
- is under five years of age and needs special support because he/she is likely to experience a learning difficulty when he/she reaches five years.

This legislation also applies to more able children who experience temporary or continuing learning difficulties.

2.9 The North Lanarkshire Education policy outlined in this paper addresses the rights and educational needs of children who, at any time during their educational career, experience learning difficulties and children identified as 'children in need'. Because the definition of children in need includes children who are affected by a disability in their family, this policy has a broader scope than the existing special educational needs policy.

2.10 In putting the rights of children first, North Lanarkshire Education department has to ensure all those involved share an understanding of its values and mission statement. If a child or young person is experiencing a learning difficulty or is not achieving to her or his potential, it is a challenge to the services concerned rather than a problem for the child.

3. Aims of this Policy

3.1 At the end of the twentieth century North Lanarkshire Council has a population of over 326000 people, of whom more than 1 in 4 are under 21 years of age. It is estimated that over 2000 children and young people under 16 years old have a disability and more than 900 children have a Record of Special Educational Needs. It has been estimated by HMI that as many as 1 in 2 children may experience a learning difficulty at some point in their educational career. It is difficult to estimate how many children and young people may be affected by the disability of a family member. The number of children 'looked after' by North Lanarkshire council is presently 2199 and 225 children are 'looked after and accommodated'.

3.2 This policy is based on the Education Department's Raising Achievement policy which emphasises the right of all children to

benefit from the provision of services to assist them in realising their potential. However this policy is particularly focused on ensuring that 'children in need', including children with special educational needs, receive the particular support services that they require to meet their needs and achieve to their potential.

The key aims of the policy are to:

1. Promote positive attitudes, among staff, pupils, parents and the wider community, which respect and value all individuals, whatever their disability or specific needs.
2. Emphasise the responsibility of all members of the community to be involved in the evaluation of services provided for individual learning needs and decision-making about improvements.
3. Ensure the earliest possible identification of any individual learning needs which may require specific support to be provided and
4. Ensure that the first consideration in the placement of every child is to maintain the child within the local community in contact with his/her peers
5. Make specialist provision within the authority to meet the needs of particular children who may need a specially supportive educational setting in order to reach their full potential
6. Involve the parents/carers and the child in planning how an individual child's rights may best be addressed and in evaluating service provision for the child.
7. Ensure effective joint planning and delivery of services between Education, Social Work, Health, Community Services, Further Education, the Careers Service, Leisure Services the Reporter to the Children's Panel and voluntary organisations.
8. Allocate resources to the early identification of support needs and ensure that resources are appropriate at different educational stages
9. Focus the allocation and use of specialist resources at local level emphasising the operation of appropriate joint working between services in local areas.
10. Make a commitment to a long term programme to improve physical access to education establishments, ensuring that communities are linked to schools which are physically inclusive

11. Promote the involvement of pupils in planning resource use in schools and in the evaluation of actions taken in school to provide for individual learning needs
12. Establish criteria which will assess 'best value' in the quality assurance of provision to support individual learning needs and communicate these criteria to all concerned
13. Issue multidisciplinary guidance to staff from different services on strategies for supporting pupils with identified conditions or support needs
14. Provide a programme of staff development to support all staff in providing for individual support needs, with a particular emphasis on multidisciplinary staff development activities involving education, social work and health (also other services and voluntary organisations)
15. Ensure that members of staff have access to appropriate qualification training to allow the development of specialist expertise to support the particular needs of some children

4. Targets for Improving Services

4.1 It is intended that the setting of targets for improving services should be dealt with in two stages. In the following section there is a set of general targets that establish the areas in which more detailed annual targets may be set. All general targets will not require to be addressed each year but priorities should be established within the Service Plan and reflected in each year's Management Plan. The identification of priorities will relate to changes in legislation, new initiatives and the service review with respect to Best Value.

4.2 The general targets will be expected to have a 'shelf-life' of 4-5 years. After this period of time it is likely that the authority will want to carry out a full review of this policy and consider the preparation of a revised policy document, which will conform to changes in legislation and philosophy and meet current Best Value requirements.

4.3 The Education department will respond to identified priorities from the general targets by developing an action plan list of specific targets which will be included in future service plans, taking account of the 'best value' framework.

5. General Targets

5.1 General targets were originally established as a result of review of the work of the education service, using the aims in the draft policy paper as a point of reference. The targets have been revised and re-ordered as a result of feedback from the consultation process.

The General targets are:

1. The Education Department will work with pupils, parents and other agencies to improve the amount and quality of information that is available to parents about provision for individual learning needs. All information and publicity material will reflect positive attitudes towards disability and special educational needs.
2. The Education department will review the delivery of all services with respect to the requirements of the Children (Scotland) Act 1995 to consult children and their families/carers 'in ways that are accessible to them' about decisions which involve them. This will include offering appropriate advice to schools, children and their families/carers about the Record of Special Educational Needs process
3. The pre-school multidisciplinary assessment strategy (PreSCAT) has developed successfully at a local level in North Lanarkshire. However it will benefit from further work between Education department staff, parents and colleagues in health services and Social Work to improve liaison and communication with hospital consultants when children are referred for diagnosis.
4. Building on the success of the pre-school multidisciplinary assessment strategy (PreSCAT), the Education department will work with Social Work and health services to develop appropriate joint strategies for the early identification and assessment of children with particular learning needs who are of **school age**.
5. The Education department will continually review the operation of its procedures for the placement of any child with special support needs in order to ensure that placement in the local community can be a first consideration. There will be an increasing emphasis on consultation with the community about provision and on the responsibilities of the community in supporting local provision
6. The range and scope of specialist provision within North Lanarkshire will be reviewed with respect to the aims of the Children's Services Plan and 'best value'. This will involve

considering the location and key roles of specialist schools and units, the provision of support staff, and transition from school to FE, work or other placements. Particular attention to be given to meeting the Council's aims for inclusion and improving service delivery for children with specific support needs

7. The Education department will develop a strategic plan for the creation of physically inclusive schools across the authority, along with a commitment to identify funding to allow this plan to be implemented.
8. All North Lanarkshire schools should, through the school development planning process, examine their ethos and support for learning aims to ensure that they are in line with this Education department policy. Each school should ensure that all staff are aware of their responsibilities through inclusion to provide appropriate education for all children. This will include children who are 'looked after' and 'accommodated' by the authority, more able children and children with a record of special educational needs
9. Every school should have a policy statement on support for learning that conforms to key requirements laid down by the authority. Each school's policy must emphasise that support for learning is an essential element of effective teaching and learning and that appropriate planning, differentiation of the curriculum and recording of progress is the responsibility of all teachers. The policy should include a commitment to meet the support needs of all pupils across the range of abilities.
10. The arrangements for consulting with pupils in all schools should allow all pupils the opportunity to be involved in commenting on a range of issues, both in school and the local community, concerning how individual learning needs may best be met.
11. There will be a review of educational provision for children who are 'looked after' and children who are 'looked after and accommodated' to ensure that their entitlement to education and support is being met. This will include consideration of appropriate out of school education activities.
12. As a strategy of 'staged intervention' is embedded in the normal working practices of schools, procedures for allocating specialist equipment will be reviewed with 'best value' in mind, particularly with respect to demand for the opening of a Record of Special Educational Needs
13. The staffing and working arrangements of the psychological service will be reviewed to ensure that the service can fulfil

its role in delivering this policy. In particular it will be necessary to establish the service's role in the identification and assessment of 'children in need', since this definition is broader than special educational needs. The service will also require to ensure that it has appropriate procedures in place for assessing any 'children in need' who are bilingual

14. The Education department will carry out a review of arrangements for local delivery of non school-based specialist support services. This will include arrangements for the local delivery of the psychological service and Network Support teams (covering early years, learning support; sensory support, behaviour support and bilingual support). The area working arrangements of other services and the views of parents and pupils should be taken into consideration in this review
15. The Education department will work closely with speech and language therapy service providers to improve communication between the professionals concerned and to develop ways of providing the most effective and efficient service delivery in educational settings. This will include consultation with parents. Links with occupational therapy and physiotherapy services will be explored with a view to seeking enhancement of the level of these services for children with special educational needs
16. The procedures for Future Needs Assessment, linked to a record of needs, will be subject to a full review by all parties involved. This will include the Careers Service, Further Education, parents, pupils and voluntary agencies. A model for Future Needs Assessment will be developed which is consistent with the Children (Scotland) Act 1995 and which makes appropriate use of the range of support agencies available
17. The authority's Insight journal will be used to update staff on recent research and to provide guidance on appropriate teaching and learning approaches. This guidance will include material on identified conditions such as autism, attention deficit disorder and dyslexia, where there is agreement that additional support for teachers is desirable
18. The Education department will work with Social Work, health services, parents and voluntary agencies to plan and deliver annual programmes of multidisciplinary training related to the delivery of services for 'children in need', including children with special educational needs.
19. In consultation with other authorities and agencies, including the Scottish Office Education Department, the Education department will review its strategy for qualification training for specialist staff to ensure that children and young

people have access to teaching by appropriately trained specialists as and when appropriate

20. The Education department will carry out a review of its staffing policy and structure with respect to provision for children with special educational needs, including the training of non-teacher staff
21. Education department staff, parents, pupils and other agencies will be involved in the development of Quality Assurance criteria to assist in monitoring service delivery for 'children in need', including children with special educational needs. These QA criteria will assist in assessing 'best value' with respect to the authority's provision. The criteria will be piloted before being implemented across all areas of service delivery.

6. Next Steps

6.1 It is intended that the next action to be taken by the Education department, following agreement on a policy and general targets, will be to prepare an action plan which will be presented to a future meeting of the Education committee.

6.2 The action plan will take account of the priorities for action identified in the consultation on the draft policy paper. The implementation of this action plan will involve review activities which will take place within the authority's 'best value' framework.

APPENDIX 1

1. Consultation on the Draft Policy Paper

1.1 The consultation process which took place was based on the draft policy paper. The focus of consultation was on the proposed policy aims and the general target statements. The revised aims and general target statements were then developed following the consultation process.

1.2 The consultation process asked for the views of those consulted on:

3. The title and scope of the policy
4. The appropriateness of the overall aims and general targets
5. What additional aims/targets they would like to have included
6. What specific action plan targets they would like for year 1

1.3 A wide consultation strategy was undertaken, open to staff in all establishments, community education, staff from social work, health, FE, Careers, voluntary and other agencies, parents and children.

1.4 The consultation process involved inviting written responses using a pro-forma, but it was built mainly around a series of meetings. Those invited to attend meetings were

- * Children's Services planning group
- * Primary and pre-5 heads and staff
- * Secondary heads and staff
- * Special school heads and staff
- * Psychological service
- * Network teams and other non school-based teachers
- * JCC and appropriate Trades unions
- * Community Services
- * Social work
- * Health Board/Trusts
- * Voluntary organisations
- * Parents
- * Pupils
- * FE & Careers

1.5 Most consultation meetings involving staff took place at the end of the school day, or in the evening. A calendar of the meetings was published, so that anyone unable to attend a particular meeting could choose an alternative. A list of attendees at all meetings was compiled as a record of the process.

2. Responses to Consultation

2.1 A record was kept at each consultation meeting, noting the comments made by those who attended. These comments were analysed and used to inform the revision of the draft paper. Over 300 people attended the consultation meetings.

2.2 A total of 225 written responses were received. It is not possible to provide a detailed breakdown of the categories of responses because many respondents did not identify if they were parents or staff.

2.3 There were a number of whole school or whole staff responses. The Educational Institute of Scotland, the Scottish Secondary Teachers Association and The National Association of Schoolmasters Union of Women teachers all made responses. Responses were also received from the Careers Service, the churches and MSP, MP and MEP elected members.