



UNISON Scotland response: Additional Support for Learning (ASL).

December 2023

Introduction

UNISON is Scotland's largest trade union with more than 150,000 members across the public, private and voluntary sectors. We welcome the opportunity to respond to the Education, Children and Young People Committee's call for views¹ on Additional Support for Learning (ASL).

Overview

We welcome the Committee saying specifically that they want to hear from support staff. A large number of UNISON members work in schools and early years settings in a wide range of posts. We also represent social workers and educational psychologists. Many of our schools and early years members are classroom-based support staff, or nursery staff, of whom a good number have general or more specific ASL responsibilities. Posts include, but are not limited to: classroom assistants, child development officers, early years workers, support for learning workers, attainment practitioners, pupil support assistants and more, some of whose work is exclusively with children with Additional Support Needs (ASN). Our responses to the Call for Views questions below include direct quotes from members based on their experiences and expertise at work.

The consultation is looking at several aspects of the implementation of presumption of mainstreaming (meaning that, where possible, children and young people with additional support needs should be educated in mainstream schools alongside other pupils, rather than in special schools). Our response focuses on the main questions of relevance to workers on the implementation of the presumption of mainstreaming and on the impact of the COVID-19 pandemic on ASL.

Key message

Overall, our response is summed up by saying that while we support mainstreaming in principle, it must be sufficiently funded. While there will be some very good practice going on in some schools, it is currently not working well for too many children, those with identified ASN, and other pupils. Despite the best efforts of dedicated teaching and support staff and other education professionals, they do not have sufficient resources and support to deliver the quality learning experience all pupils deserve.

When you look at the large number of pupils with identified ASN (such as autism, dyslexia and mental health problems), which the Committee highlights, this is not surprising as these increased numbers demonstrate the need for a very well-resourced level of staffing to ensure quality learning experiences for all, with a highly trained and supported workforce.

"Currently there are 705,874 pupils in public and grant-maintained schools in Scotland. Overall, the number of pupils in 2022 with an identified additional support

¹ <https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/>

need (ASN) was 241,639 pupils which represents 34.2% of all pupils. The percentages for mainstream primary and secondary pupils were 28.3% and 40.1% respectively.”

Indeed, these figures were updated in December² to show a record total in 2023 of 259,036 pupils with an identified ASN, 36.7% of all pupils. (Up from 69,587 in 2010, 10.3%.)

As one senior worker told us: “Sadly the presumption of mainstreaming has had a negative impact for ASN pupils. This is completely down to the lack of resourcing, direct training and appropriate funding. This has also had a negative impact on the learning of children across Scotland.”

Our answers to some questions below go deeper into this, but first we should point out that, while we and our members regularly highlight the understaffing and under resourcing, we see no signs of major improvements, particularly given the huge constraints on local government finances. Indeed, the December 23 Scottish Budget³ not only underfunded the supposedly fully funded council tax freeze, putting immense additional pressures on council spending, but it made effective cuts to budgets for ‘ASL’ and ‘Educational Psychologists’ with flat rate funding. Spending on mental health services is also being cut – at a time when there remain serious concerns about mental health waiting lists, including access to Child and Adolescent Mental Health Services (CAHMS). Access to this service can be patchy and the link with schools is often a postcode lottery. We want to see a far more joined up approach to mental health for children and young people.

We have raised many of the points in this response regularly over the years, including in our response⁴ in 2018 to a consultation on a petition on improving targets and outcomes for people with autism.

In that we noted that the 2017 Education and Skills Committee report into Additional Support Needs (ASN) “supports UNISON’s belief that Scotland is a long way from meeting its aspirations for children with additional support needs. There are some good strategic and policy papers around supporting children but these have not been matched with adequate funding to enable their implementation or recruitment, training and support for the staff in order to ensure they can deliver the correct support. Parents often have to fight to get the additional support their child needs. When parents (who are able to fight) ‘win’ that fight there is no additional funding attached to implement the decision. Schools have to provide support from their existing budget. This has an impact on provision of services for other children relying on that budget. So a child with ASN may get a classroom assistant working directly with them but other pupils in the group now cannot access the support she could provide.”

Sadly, our responses below reflect the continuing underfunding and under resourcing of the presumption of mainstreaming. They also clearly demonstrate the value of consulting staff when planning and making changes and improvements. Their expertise and experience are invaluable. We hope the Committee will urge action and investment.

Violence and challenging behaviour in schools

It is worth noting that some of the worst consequences of inadequate funding overall, and for ASL, were highlighted in the November 23 Scottish Government Report on Behaviour in

² <https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-2023/documents/>

³ <https://www.gov.scot/publications/scottish-budget-2024-25/documents/>

⁴ <https://unison-scotland.org/wp-content/uploads/Petition-1704-Autism-October-2018.pdf>

Scottish Schools⁵. There are clearly a whole range of factors involved in this and the problems with challenging behaviours of course are far wider than the extra issues around the presumption of mainstreaming. However, as part of its findings on factors which impact on behaviour, the report said:

“School staff and local authority representatives identified a number of external factors which impact behaviour in schools including: • Societal factors such as poverty and deprivation. • Challenges associated with home and family life such as trauma and adverse childhood experiences and parenting. • Additional support needs, *particularly where sufficient support is not in place for pupils.*” (our emphasis)

As a society we are letting down all the children involved in challenging behaviour and all the pupils affected by it, whatever the cause of it, as well as the staff having to deal with it. No-one would say this is conducive to learning and many of the issues pre-date the pandemic. The funding issue is known but must be addressed properly.

In a chapter on policy context, the report noted re the Morgan review: “Guidance on the presumption to provide education in a mainstream setting was updated in 2019. In the same year, the Scottish Government commissioned Angela Morgan to Chair an independent review of the implementation of additional support for learning (ASL) legislation to see how ASL works in practice. The review found that implementation has been fragmented and inconsistent, and *has been hampered by increases in the number of young people identified as having complex additional support needs while public sector resources have reduced at a time of austerity.*” (our emphasis)

In a chapter on dysregulation, ASN and resources, the report said:

“When speaking about incidents of verbally abusive or physically aggressive or violent behaviour, school staff frequently spoke about this as intersecting with additional support needs, ADHD and ASD diagnoses and emotional dysregulation. School staff, particularly support staff, described pupils with ASN with more extreme behaviours and complex needs who require one-to-one support in the classroom and who frequently experience extreme emotional dysregulation which can manifest itself in violent and destructive behaviour leading to classes being evacuated and injury to staff and other pupils. School staff linked this increase in incidents among young people with ASD to the presumption of mainstream (the legislative duty on local authorities to provide education to all children and young people in a mainstream school or early learning and childcare setting unless specific exemptions apply) and a perceived reduction in the availability of resources for pupils with ASN including numbers of support staff, as well as on and off-site provision. There was a sense that schools, particularly primary schools, were not adequately resourced to support pupils with ASN, that the funding available for that support was not adequate to provide the additional support required and that there were some pupils attending mainstream schools for whom mainstream was not appropriate but that there was no alternative, specialist provision available. The under-resourcing of ASN provision and lack of specialist facilities and services were also observed in the 2016 report. “If you can manage mainstream, great, but there’s not enough facilities for young people who really do need the right support and the right environment for them to be able to reach their potential. The council has shut down so many of these establishments.” (Secondary support staff)”

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2023/11/behaviour-scottish-schools-research-report-2023/documents/behaviour-scottish-schools-2023/behaviour-scottish-schools-2023/govscot%3Adocument/behaviour-scottish-schools-2023.pdf>

And in the calls for change highlighted in the report, additional staffing and resources in a number of areas were suggested. Specifically on mainstreaming, the report said:

“The respondents emphasised the importance of providing adequate resources to fund nurture and support for pupils with additional support needs in mainstream schools under the presumption of mainstream policy. The reported increase in pupils with additional support needs (e.g., ADHD, Autism Spectrum Disorder) and young people with undiagnosed conditions suggest that *much higher levels of funding and support are required if these pupils’ needs are to continue to be met in mainstream schools.*” (our emphasis)

UNISON Scotland’s briefing⁶ on the report said: “While teachers have been the focus of media reports, the report clearly shows that the biggest impact of behavioural challenges falls on support staff. The staff with the lowest pay and least training and support.”

As we pointed out in that briefing, the findings – covering all challenging behaviour, not ‘just’ that related to ASL - support the feedback from UNISON members that they are the ones who are expected to deal with the most challenging behaviours on a day-to-day basis:

“UNISON has been raising these issues locally and nationally for many years. Nothing in this report should be a surprise to government or local authorities. Failure to act earlier has just seen the problem grow. Urgent action is needed to protect staff and pupils. The needs of all young people, including those whose behaviour is causing concern, are not being met. Reporting incidents needs to be much easier. UNISON still encourages members to ensure that they do report incidents.

“The initial response to this report from the government is inadequate. There needs to be substantial investment in our school staff and the wider support teams that children and young people need: In ELC, youth work, social work and educational psychologists. Support staff need to be provided with training, support and time to fully participate in developing strategies to support the pupils they are working with. The money so far announced is wholly inadequate for the challenges this report outlines.”

We note that Education Secretary Jenny Gilruth told the Scottish Parliament earlier in December⁷ that there is a record number of additional learning support assistants in schools. However, we believe the Committee should interrogate this statement, particularly against the increase in numbers of pupils with ASN highlighted above, as well as increased needs across education. Also, many staff are not full time, so we need an accurate picture and it is not clear whether the figures she quotes are fit for purpose.

Our responses to the specific questions in the call for views:

Implementation of the presumption of mainstreaming

- **The presumption in favour of ‘mainstream education’ strengthened the rights of pupils to be included alongside their peers, with the four key features of inclusion identified as: present, participating, achieving, and supported.**

⁶ <https://unison-scotland.org/wp-content/uploads/ebrief-behaviour-in-schools-report-2023.pdf>

⁷ <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-12-12-2023?meeting=15606&iob=133158#5598>

To what degree do you feel the presumption of mainstreaming successfully delivers on inclusive education for those pupils requiring additional support?

Feedback from our members' experiences shows that the presumption of mainstreaming is not working for most ASN pupils.

It is often the case that support staff in primary schools are now allocated or timetabled to work on a one-to-one basis with pupils who require individual support. This support is given in corridors, isolated rooms or areas, (seclusion) with members feeling that the pupils have only occasional educational input from a teacher. Our members feel that the education of these secluded pupils is left to the support staff.

The school estate is no longer fit for purpose to support pupils who require to be educationally supported in secluded areas, as the buildings don't have the appropriate space.

Some pupils can remain in class but they often display disruptive, distressed and dysregulated behaviour, throwing objects, name calling, swearing, shouting out, not engaging and being violent and aggressive towards support staff, biting, spitting, punching, kicking and sexual assault. When ASN pupils cannot remain in class, they either remove themselves or they are instructed to leave by the teacher. Support staff have to follow the pupil and the violence continues.

In Early Years, there is a rise in distressed and challenging behaviour. Often children are non-verbal and staff are more than ever using augmented language. This is communication aids, i.e. sign language, picture symbols and visuals. This is also the case in primary.

As one worker put it:

"In my experience, the effectiveness varies based on factors such as the level of support available, teacher training, and the specific needs of individual students. In some cases, it works in the reverse that children who are either not needing a lot of support or children who are poor learners with no reason are missed as all attention is given to ASN children to the detriment of others within the classroom setting. A more tailored approach or specialised resources may be necessary to truly achieve inclusive education for all."

Some examples of problems our members highlighted:

Ratios are not adjusted for the needs of the child where I work, so in the group with several children without diagnosis or support, other children don't have the same time and experience with their key worker.

Children included through presumption are often excluded from class due to lack of support, behavioural challenges, so the child is excluded through inclusion.

Ratios for staffing should take account of the needs/developmental stage of ASL children. Some are at the stage of a toddler or even younger. Adult to child ratios should reflect that.

Some support workers are there over lunch periods and work part-time, yet the support is needed full time.

Difficulties in not having proper resources available for e.g. printing on coloured paper, or having colour overlays needed by some pupils. Example of inadequate provision: document wallets used instead of overlays.

Another member said: "I do not feel that this is being promoted with any success due to pupils requiring additional support not having one to one care and support at all times due to limited staffing in local authorities and Support for Learning Workers supporting several children during one session. A vast majority of these children need the support at all times for consistency, routine and safety. The busy atmosphere in mainstream comes with noise levels that are simply unavoidable in busy environments, triggering sensory overload, lack of concentration, burnout and long exhausting, emotional days for ASD children struggling to cope. There is little to no opportunity to provide rooms away from the busy environment to allow for these children to have a safe nurturing and most importantly quiet place. Those who do have this struggle for staff ratios to access it or feel they are being criticised professionally for not including ASD children into the very rooms they are finding difficult to be in - often the children directing staff towards any exit doors to leave using gestures, visuals and words expressing their choice.

"Many establishments have inadequate equipment and resources to support ASD children inclusively meeting their individual stage of development therefore finding motivators and distractions to promote positive behaviour can be extremely challenging for staff and take up much of their time from working with peers. Many establishments are not adapted properly to ensure the safety of ASD children when they have no awareness of danger. E.g. ceiling to floor glass windows with children who have a need to feel pressure on themselves without the understanding of their own safety."

Our members are distressed about the impact on children not having their needs met:

"To be honest the inclusion policy doesn't work as there is no support and I know that children who have ASN issues have gone onto mainstream only to be moved to alternative pathway provision which I think is totally uncalled for and awful for them. We should be meeting their needs from the offset and sometimes the setting is not suitable in the first place as there is no support for these children. Sometimes their needs are complex and need specialist provision which is the right thing to do. But instead, mainstream is presumed when the opinions of childcare professionals should be sought when placing these children who require additional support to access the curriculum."

Another member said: "Staff are not sufficiently trained and don't have nearly enough support. Children are having a negative experience."

Another worker's view is that mainstream is not delivering for children who are non-verbal, have severe autism or other need "which manifests as violent, unsafe or unpredictable behaviour". They "have a right to be educated in a way which is right for them, and all children should have their needs met in a holistic way, with appropriate care to maximise potential."

Working with ASN children is very rewarding, but in a mainstream setting it's not working. Adult to child ratios need to be reviewed especially if complex needs continue to increase.

What impact, if any, does the presumption of mainstreaming have on the education of pupils who do not require additional support?"

Our members are concerned that these pupils are too often having their education disrupted. Mainstreaming is a good policy if resourced, and this may be happening in some areas, but otherwise it can be unfair to all. Where it works well, there are undoubted positives and some members said that most children not needing additional support are on target educationally. One commented that “other pupils are very accepting of the pupils with ASL.” Another said nursery children were learning to be more understanding, empathetic and how to treat others who may face challenges – a real positive.

However, the majority said that these benefits were often outweighed by the disproportionate attention required in dealing with those needing most support. This leaves other children without identified needs often not getting the support and input they ideally should have.

Some comments from staff:

“The distressed and challenging behaviour displayed by ASN pupils disrupts the learning for the whole class. Lessons often have to be stopped to clear the whole class, leaving the child in class or learning stopped till the distressed pupil leaves. Tables, chairs and other objects can be thrown on sometimes a daily basis. They have to listen to explicit language and watch their support staff and teachers being verbally and physically abused.

“Children are often frightened by the display of violence and they can often be on the receiving end of the violence. On occasion some pupils see that displaying distressing behaviour like their peers, can get them too out of class. This learned behaviour adds to the workload.”

“As a practitioner you have very little time for other children, your time can be taken up with children with additional needs and this leaves other children to be left behind. Other children can be frightened of the challenging behaviours and can be apprehensive to come to nursery. Within a schools setting it is very disruptive to other children, evacuating classes, violence, adapting lessons to try and suit the group can be difficult. Other children can be apprehensive about coming to school. The violence is a huge issue and being violently attacked is accepted as part of the job. Other children are witnessing violence and verbal abuse within an educational establishment.”

“Children without barriers to their learning are now being given barriers to their learning because the teacher and support staff, mainly the support staff, can’t support classes as they are 1-1 support with an ASN child. This is a failure of management and failure of presumption of mainstreaming. We are giving children adverse learning experiences because children who should have alternative pathways are not able to access these pathways because of council cutbacks.”

“Very high expectations are placed on these pupils to be able to adapt and be resilient quickly around ASD peers and comprehend that an ASD child does not mean to hurt them, and that staff have it all under control. For many children who are not exposed to others with ASD or violent behaviour it can be scary, frightening and disruptive witnessing much of the behaviour ASD children exhibit when they are frustrated, excited or upset. It can also be harassing if an ASD peer looks for a reaction and they are the child who gives that emotional response - therefore it can quickly turn into routine for the ASD child and harassment for their peer.”

For children with additional support needs, in your experience:

- **Can you provide details of how these additional support needs were recognised and identified initially? Was there any delay in the process which followed the identification of additional support needs and formal recognition which leads to the accessing of the additional support? If so, what was the delay?**

Our members report that there are long delays in receiving support and diagnosis because of the magnitude of additional support needs, with also “years of waiting lists to attend CAHMS, get access to psychologists, speech therapists etc”. Often early years staff help to pick up on signs of autism or other delayed development, sometimes having to raise this with parents. However, resources are a huge factor and meantime the child’s needs are not being properly met, sometimes with impact on others. Delays of a year and often more is a huge amount of time in that child’s life to wait for assessment and diagnosis and support being put in place.

One member said: “Children are distressed within educational settings as the presumption has basically said one size fits all. We have no additional funding in our nursery, no additional staff and yet the numbers of children with additional needs is at its highest. The presumption of mainstream has had a detrimental effect on children's education and experiences.”

Another said: Usually children with significant learning needs are unable to be accommodated at nursery, as managing challenging behaviour is extremely difficult even in a well-resourced, well attended nursery. All children aged 3-5 are offered funded places and so all council nurseries have a waiting list and are always busy. These children are often sent home from nursery and have no learning opportunity before school. Making the transition even more difficult for children, families and teachers. Diagnosis can be a lengthy process and many families are left without support until their child has been diagnosed.”

Another member said: “The delay is from referral to the children being seen. Diagnosis of any ASN issues normally comes speedily after that but the initial assessment takes a long time and quite often they may have moved on or gone to school.”

And one worker noted: “There is a waiting lists on assessment referrals and supports but quite often parents feel deflated after diagnosis as not much changes in terms of support.”

A final comment: “When talking about ASN we are really referencing autism as this is the most prevalent need that children are presenting with. Within the nursery setting some children have been referred for assessment before they join by their health visitor or GP. Within my setting staff are very alert to additional needs and we will often make referrals to speech and language when autism is suspected. There is a long waiting list due to the increasing number of referrals being made.”

- **Where the child is being educated in specialist settings can you give examples of where their needs are being met, and examples of where they are not being met?**

There was praise from our members for good examples of staffing levels and specialist equipment in specialist schools. Staff are committed to the job and want to do the best for the pupils. However, there has been a reduction in early years ASN establishments, so there are limited spaces for nursery children who require specialist expertise placements. In these establishments staff are specifically trained in augmented communication and have more in-depth training skills required for ASN children. These schools and staff can appropriately support the pupil with ASN needs.

ASN establishments are also increasingly full to capacity, so more children are now in mainstream than ever before, and the majority of staff are not given induction training let alone specialised training to work with the most vulnerable children in society. Staff have to learn from each other on an ad hoc basis. This is extremely detrimental to the educational learning of the child.

Some comments from members:

“There is a high level of violence in specialised settings, which leads to high level of staff absence, so children miss out on support as staff are burnt out, with violence being a normal part of the job.”

“Specialist settings have age and stage appropriate environments with focus on sensory stimuli. Often larger spaces and quieter spaces for children to re-regulate and move safely. Smaller ratios are maintained along with specially trained staff.”

“Children in ASN schools have an individual risk assessment carried out which details all harmful behaviours that the child has displayed and tells how likely the behaviour is to occur and details strategies that minimise challenging behaviour and advises on the level of supervision required and resources which should be removed from environment or managed carefully.

“In ASN schools, staff read all children's risk assessments prior to working with them, as well as any behaviour plans and/or medical plans. Such as what to do if an epileptic child has a seizure or a child has an allergic reaction. In mainstream schools first aid and medicines are managed by health and wellbeing officers who are not usually working in classrooms therefore a child with either of these conditions could be at greater risk of harm than their mainstream peers as they cannot communicate when they feel poorly or safely travel to the school medical room.”

- **What specialist support does the child receive and what support do you get in accessing this support? Are there any gaps in the specialist support provided either because the prescribed support is not available or extra support not formally prescribed is not being provided?**

Some comments from members:

“Support staff have limited access to information regarding pupils. Support staff are not given the time to access information, even if they are allowed. For example, risk assessments, behaviour support plans, individual learning plans etc. No time given to meet with class teacher for consistency on approaches/strategies. Support staff too valuable as working with individual ASN pupils to get time to access training. This is due to their less than full time (e.g. 27.5 hr) contracts, so no non pupil contact time given.”

“In my experience there is specialist support in terms of professionals assessing, providing feedback on supporting strategies etc., but above that I do not see much specialist practical support needed for day-to-day functioning.”

“I only have experience within an ASN setting but I know that support staff are often reduced in numbers, councils are actively trying to cut staff in schools therefore the level support available to children even within a specialist environment can be lower than

required. This leads to more frequent challenging behaviour and stressful working conditions. Training for staff even in special schools is not adequate as many support staff are unaware of the demands of the children they work with. There is no training for delivering personal care to children unless there is equipment such as hoist to be used. The training for de-escalation is also done out of working hours so many staff cannot participate.

“Communication aids and visuals must be used properly in order to be effective for children and support staff are often passed around different classes to meet the needs of the setting, which means that taking instruction from teachers when supporting them in classrooms becomes an extra job for teachers as many resources are specific to children's needs. Training in resources, behaviour management and personal care is required in ASN schools, therefore it will be a priority for all staff if all children have to attend mainstream settings.”

“I do specialist mandated ASN interventions but we can't do this when we are one on one with children with behaviour difficulties, so these interventions are not being carried out – reinforcing the widening of the attainment gap.”

- **On balance, do you view the presumption of mainstreaming as having been a positive or negative development for your child or in general, and on balance, do you view the presumption of mainstreaming as having been a positive or negative development for other children in Scottish schools?**

Sadly, the presumption of mainstreaming has had a negative impact for ASN pupils. This is completely down to the lack of resourcing, direct training and appropriate funding. This has also had a negative impact on the learning of children across Scotland.

Comments from members:

“I see the presumption of mainstream as a negative effect, as children no matter their needs are put into establishments that are not staffed properly or have the relevant resources, the appropriate training. The presumption of mainstream also inhibits the learning of others. The disruption, violence, lack of resources, lack of support and lack of training is a huge issue and therefore the child with additional needs does not have the appropriate supports in place to thrive. Other children are subjected to circumstances such as violence, evacuating classes, verbal abuse, seeing staff abused. This is not a learning environment.”

“I believe mainstreaming for the majority of children has a negative impact. Our children deserve better specialist learning environments for our ASL learners.”

“It has been positive but could be better.”

“I believe mainstream schools with units to be the key as there is a place for inclusion and enabling all children to be aware of and supportive of those with ASN without some of the trauma impacts of full-time inclusion. I believe mainstreaming will lead to further trauma in all children because the expectations are far too high and the pressure is too much for everyone.”

Impact of COVID-19 on additional support for learning

- **In what ways has the pandemic impacted on the needs of pupils with additional support needs and the meeting of those needs, both positively and negatively? How successfully have local authorities and schools adjusted to meet these needs?**

The distressed and challenging behaviour was already present in schools before the pandemic, but it has exacerbated the issue.

Comments from members:

“For some pupils, they have learned that school is not important, as they had to stay at home for the majority of the time. And the key workers’ children were in school for hubs, which was play based and led by the support staff as teachers were working from home. Pupils were online learning with teachers on iPads. Support staff were never given iPads, let alone training on how to use them with pupils. Transitions didn’t happen, so children were left unsupported, which led to anxiety, which has continued.”

“I think it’s easy to hide behind Covid. This failure of education was happening before Covid. Prior to Covid access to specialist provision was always difficult. All the closures of specialist centres and everyone ended up in mainstream.”

“Negative in a sense that I believe local authorities and governments are using it as an ongoing excuse for the state of affairs in early years education/ education for children today rather than address the real issue that budget cuts and the agenda for inclusion is having on children, staff (well-being) and families.”

“There is an obvious effect on children who have not been well socialised, they react negatively to other children, become overestimated more easily and begin to shut down more quickly in social situations as exposure has been limited. Many children became dependant on electronic devices such as iPads, which makes schooling difficult as they do not have free access to screen time like they have become accustomed to at home.”

One member felt strongly that not enough was done or is being done to ensure schools are cleaned sufficiently, with better hygiene facilities to try to stop the spread of infection, whether Covid or sickness bugs etc, as well as not enough support for staff who are unwell:

“Children have also become more ill when returning to school as they are exposed to germs. Local authorities do not prioritise cleaning of schools which is detrimental to children's health and wellbeing. Staff are constantly put at risk when working with children who have sickness bugs. Staff are not supported to take time off when they are ill which causes massive sickness outbreaks within schools. Covid-19 should have proved the need for more cleaning and better hygiene facilities in schools but most schools are spreading infection, even when staff are diligent, floors and surfaces must be cleaned and they are not.”

The use of remedies as set out in the Act

- How are parents/carers and young people included in the decisions that affect the additional support for learning provided to young people and could this be better?
- Are you aware that there are statutory remedies around the provision of additional support for learning as set out in the 2004 Act, specifically:
 - Right to have a ‘supporter’ present in discussions or an ‘advocacy worker’ make representations to the local authority, the local authority does not have to pay for this. (s.14)
 - Right to an advocacy services, free of charge, for those taking cases to the Additional Support Needs Tribunal (s.14A)
 - Independent mediation, free of charge (s.15)
 - Independent adjudication, free of charge (regulations under s.16)

- A Tribunal for certain issues involving Co-ordinated Support Plans, placing requests and disability discrimination cases under the Equality Act 2010.
- If you have experience of any of these processes, do you have any comments on your experiences?

Our minimal comment on this is that there should be more done to ensure parents know about what is available to them and how to access this provision. Members have witnessed parents “at the end of their tether as they know their child is not going into the right environment and they feel powerless.” (Although one member referred to a case where parents went to a tribunal and staff provided evidence to support the child moving from mainstream to specialist provision.) Schools should also engage with parents and ensure the staff who know and work with their child is part of that engagement, helping parents understand the learning needs of their child. However, in terms of remedies etc., one member pointed out that the presumption of mainstream takes choice/decision making away and it is a waiting game to access specialised support.

“If you don't know you have a voice, then you don't know how to use it. Parents/carers and children have to fight to get the correct support that they deserve.”

- **Any other comments?**

We asked some members to add further comments. Here are some responses:

“I feel that educating children has become a battle to try and make the environment suitable for all, with no resources. Children are distressed at being in unsuitable environments which do not suit their educational needs, and other children miss out on education because of disruption. The presumption of mainstream has been damaging to education and does not suit all. There needs to be better resources and money to sustain this service.”

“ASN provision needs more research. So many children are more capable than what they are achieving academically. School is great and necessary, but more support is required for these children out of school hours, in their home where needed. The violence that children commit at school is also shocking. There should be a more unified approach between abused support staff, teachers, school leaders and local authorities. Social services should be notified when children are causing harm to adults and other children.”

“Consultation panels should, for example, take ten support for learning/complex needs workers from each council in early years, mainstream primary, asl sector, secondary school and have a more informed understanding of how things work, not only on the ground but in different establishments within the same council.”

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