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Scotland Facts and figures

- Area: 30,090 square miles – South Carolina is closest in size in USA
- Population: 5.538 million (July 2022) – South Carolina has 5.15 million in 2019
- Scotland is divided into 32 administrative local authority areas, known as council areas
- Scotland is the 2nd largest country in the UK.
- In 1999 a Scottish Parliament was re-established.
- The legal system within Scotland has also remained separate from England, Wales and Northern Ireland and Scotland constitutes a distinct jurisdiction in both public and private law.

Local Authorities
Government (Scotland) act 1984
1994

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Scottish education and school systems

- **Curriculum for Excellence**
- In Scotland, the Curriculum for Excellence (CfE) is the national curriculum used from nursery school all the way through to secondary school.
- CfE comprises a broad general education up to the end of S3 (third year in secondary school) followed by a senior phase of learning in the final three years of secondary school.
- Emphasis of CfE is placed on inter-disciplinary learning, skills development and encouraging personal achievement and it is intended to foster four capacities in all young people:
 - successful learners
 - confident individuals
 - responsible citizens
 - effective contributors
- **A presumption of mainstreaming**
- The cornerstone of an inclusive approach to education is a presumption of mainstreaming for pupils with ASN. This means that they are educated in a mainstream school unless exceptional circumstances apply.
- As a result, we are fully in support of a presumption to mainstream these children and young people.
- However, we are concerned that there is a lack of resources, staff and co-ordinated support when it comes to addressing the needs of an increasing number of those with ASN in these schools.
- Many children and young people with ASN are therefore being left poorly supported, which also impacts on fellow pupils and teachers, or are excluded from school altogether.
- An increase in support is required to help them meet their needs, ensuring that inclusion is meaningful.
- There are also many children and young people currently in mainstream education whose interests would be better served by, for example, being in a special unit attached to a mainstream school or in a special school.

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Scottish Education Legislation

Education is provided at pre-school, primary and secondary levels in both mainstream and special schools. In accordance with the Education (Scotland) Act 1980, the provision of education is the responsibility of local authorities who perform the functions of education authority. Education has to be flexible to fit individual needs, be tailored to 'age, ability and aptitude' (Education (Scotland) Act 1980) and aims to develop the 'personality, talents and mental and physical abilities of children and young persons to their fullest potential' (Standards in Scotland's Schools etc. Act 2005).

- The legislation that underpins Scottish education is
 - [The Education \(Scotland\) Act 1980](#)
 - An Act with specific relevance to the provision of education by Education Authorities and the rights and duties of parents and functions of Education Authorities in relation to individual learners.
 - [United Nations Convention on the Rights of the Child](#)
 - The United Nations Convention on the Rights of the Child (UNCRC) is an international statement of the civil, political, economic, social and cultural rights of children. It came into UK law in 1989.
 - [The Education \(Scotland\) Act 2005](#)
 - This Act is about the provision of education, specifically relating to children's rights and the duty of the education authority.
 - [Children and Young Persons \(Scotland\) Act 1937](#)
 - This Act concerns the provision of services and support for children and young people; it covers adoption, children's hearings, detention in secure accommodation and consultation on certain proposals in relation to schools.
 - [The Equality Act 2010](#)
 - This Act places a duty on schools and education authorities not to discriminate against people with protected characteristics (including disability, sexual orientation and ethnicity). This includes ensuring that all children have equal access to a variety of services, facilities and activities. The Act also places a duty on schools and education authorities to make reasonable adjustments to avoid putting the pupils at a substantial disadvantage. The duty related to aids and services means that, since September 2012, schools (including independent schools) have to make reasonable adjustments.
 - [The Education \(Scotland\) Act 2016](#)
 - This Act includes provisions for strategic planning to consider socio-economic barriers to learning. It includes provisions which extend the rights of children aged 12 and over with capacity under the Education Support for Learning Act. Children who are able to use rights on their own behalf to effect decisions making under the Act.

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Scottish School facts and figures

	Children	Schools	Teachers	Early Years Practitioners	pupil:teacher ratio
Early Years Education	102,871	2,504	1,288	21,800	79.9
Primary	377,372	2,056	22,905	N/a	16.5
Secondary	289,164	364	23,695	N/a	12.2
Special	6,984	149	2,020	N/a	3.5

Scottish Government
2021

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Children in Scotland – Who are we



- Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.
- By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.
- We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.
- One of our strengths is the unique position we occupy within the children's sector. This is a product of the varied work we do and the relationships we have – with our members, the wider children's sector, local and national government and, in

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In order to achieve this we offer specialised services that provide practical support, advice and representation for children, young people, parents and families throughout Scotland including

ENQUIRE

Advising
Guiding
Learning
Informing
Advocating
Sharing
Communicating
Listening

REACH

RESOLVE MEDIATION
talk and listen together

My Rights, My Say

Time to Talk Next Steps
Scotland

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Our values
Our values set out Children in Scotland's beliefs and qualities. They have been shaped by our staff, board, children and young people and our wider group. Changing our lives, and our members. We use them to guide how we work and as a way of holding us accountable. Strengthening equality, diversity and inclusion is an overarching commitment that informs all our values.

Brave
We are champions of children's rights. We take a lead in empowering children and young people and improving lives. We do this with creativity and determination.

Kind
We care about people and the environment, and the impact our work has on both. Empathy and trust are key to our approach and how we connect with others.

Collaborative
We believe in inclusion and we work to partnership. The participation of children, young people and their families, our staff, members, the workforce and our wider network inspires us and is central to achieving our vision.

Open and fair
We are committed to accessibility and honesty. We share our learning, evidence and new ideas. Integrity, balance and respect underpin everything we do.

Children in Scotland

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Additional support for learning

Some children and young people need extra help to get the most from their learning and achieve their potential.

Pupils who need extra or different help than other pupils their age, for any reason, are said to have 'additional support needs'.

They may only need support for a short time, or they may need support the whole time they are in education. Their needs may also change over time, in small or big ways.

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A child **does not need** to have a diagnosed condition to have additional support needs. If a child is struggling at school or nursery and needing extra help for **any reason**, they have a right to receive the help they need.

Whilst it is not possible to list all the reasons why a pupil might need additional support, here are four broad categories that they may fall into:

- Their learning environment is not suitable for them
- Family circumstances are affecting their ability to learn
- They are disabled or have a health condition
- They are experiencing social or emotional problems

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ENQUIRE

We are the Scottish advice service for additional support for learning. We have existed since 1999 - so over 22 years. We are funded by the Scottish government to provide independent advice and information to children and young people, parents, carers and professionals like yourselves, about children's rights and the legislation and guidance relating to additional support for learning.

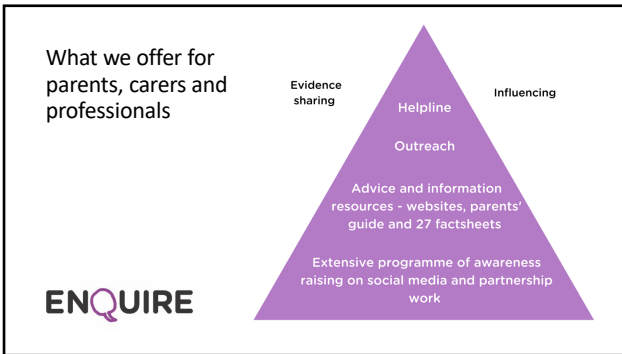
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Additional support for learning: a guide for parents and carers

The Education (Additional Support for Learning) (Scotland) Act 2004, as amended 2009

- The Supporting Children's Learning Code of Practice (2017)
- Other ASN related legislation and guidance
- Our easy to read guide to Additional Support for Learning in Scotland explains parent/carer duties, child's rights, local authorities' duties, what to expect at meetings and much more.

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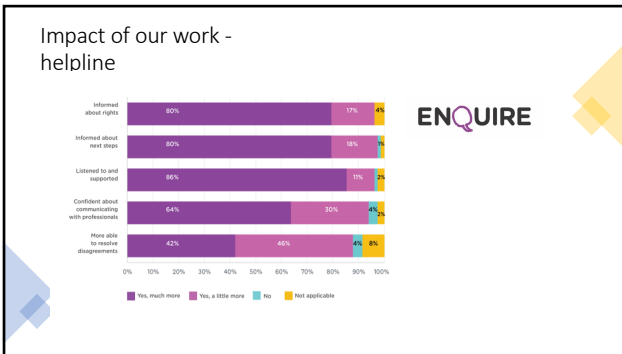
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ENQUIRE

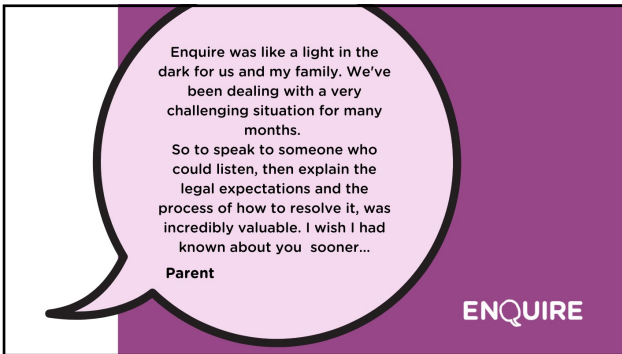
"Parents and carers have often emphasised feelings of initial frustration and increasing anger when they are not given information about school or education authority processes or about their or their child's rights.

Overall, the themes raised by parents and carers and the language of fight and battle,..... Equally, we hear the language of parents' and carers' hopes and fears, anxiety and guilt when they felt they were not able to ensure their children were flourishing. Emerging strongly from behind the anger are parents and carers who love their children and want them to be safe, cared for and thrive, to the best of their ability. This is what all parents and carers want."

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My Rights, My Say is the national children's service supporting children with additional support needs aged 12 – 15 years to access their rights under the Additional Support for Learning Act. The service was established to ensure eligible children are aware of and understand their rights and are actively involved in decisions about their support.

The service is provided by services to give

- Advice and information
- Child-led advocacy to support children to share their views and exercise their rights
- Independent support to make sure children's views are heard in formal adult-led processes (such as tribunals)
- Support for practitioners and local authorities
- Legal representation to support children making a reference to the ASN Tribunal.

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What we do

Support for children to share their views, for example for:

- An additional support needs tribunal
- Another educational dispute (for example an exclusion)
- Education planning

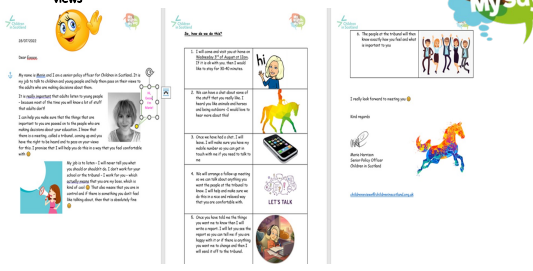
Our service supports children to pass on their views in a way that is **meaningful** to them (UNCRC Art 12 and Special comment n12)

Referrals primarily come from the Additional Support Needs Tribunal, but also from education practitioners and parents



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How we support children to share their views



The infographic outlines several ways children can share their views:

- My Rights, My Say:** A national service that provides advice, information, and support to children with additional support needs.
- Additional Support Needs Tribunal (ASN Tribunal):** A formal process where children can make a reference to challenge a decision made by a local authority.
- Education Planning:** Children can be involved in decisions about their education, such as choosing a school or subject.
- Other Methods:** Children can also share their views through school councils, parent-teacher meetings, and other formal or informal channels.

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How we support children to share their views

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Experiences of Young People with Additional Needs Leaving School
A SURVEY CONDUCTED BY YOUNG PEOPLE WITH ADDITIONAL NEEDS IN SCOTLAND

- The path towards young adult life for young people with additional support needs fluctuated widely between periods of happiness and unhappiness.
- **Transition has an impact on young people's mental health** and wellbeing. For many this had developed into stress and more severe anxiety as they grow into young adults.
- **Young people are not generally asked simple questions** (e.g., what is your dream/goal? What is it you love to do?) and person-centred planning wasn't available to provide them with encouragement and inspiration to do what they would like to do.
- **Self-awareness and self-management** of diagnosis and health conditions help young people to become more independent.
- **Taking more responsibility and control** was rated highly by young people to help them become more independent. They indicated their experience of independence was related to their ability to manage social and personal barriers to inclusion, needing more confidence in social and everyday situations.
- **Availability of support** was the most important thing to help young people become more independent. Support could be provided by a family member, professional or other person.

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About the Programme

- It is for young people who are experiencing anxiety, isolation and who have limited or no plans for the future. Support is delivered by Children in Scotland in partnership with the National Development Team for Inclusion (NDTI) and Contact.
- Contact are providing support, information and workshops for Parents and Carers about transition to adulthood.
- Take requests for support from young people or adult supporters.
- Provide **up to 6** one to one online sessions, each lasting **up to 1** hour.
- Sessions may also be delivered in other remote ways including text, email, telephone, WhatsApp.
- Young people referred will be allocated an "Associate" – a skilled mentor to have person-centred conversations focussing on strengths, anxiety reduction, confidence building and wellbeing.
- Associates will use a range of person-centred thinking, planning tools and approaches.
- Associates can research and signpost to identified opportunities for and/or with young people.
- Associates can refer parents to Contact for advice and guidance

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Time to Talk Next Steps Scotland

Children in Scotland

contact For Families with disabled children

NDTi National Development Team for inclusion

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“
We think we listen, but very rarely do we listen with real understanding, true empathy. Yet listening, of this very special kind, is one of the most potent forces for change that I know.
— CARL ROGERS

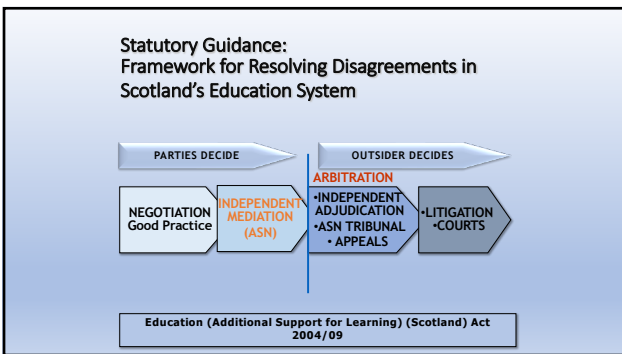
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Small group discussions/
Exercise

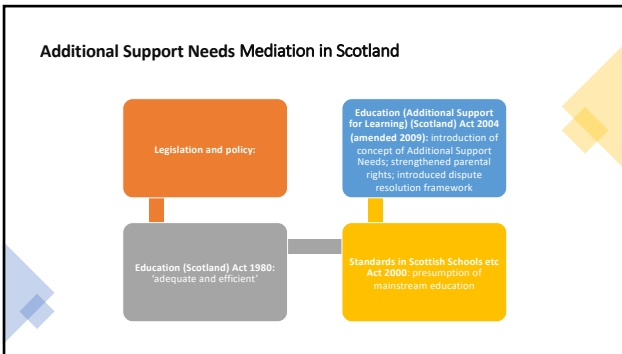
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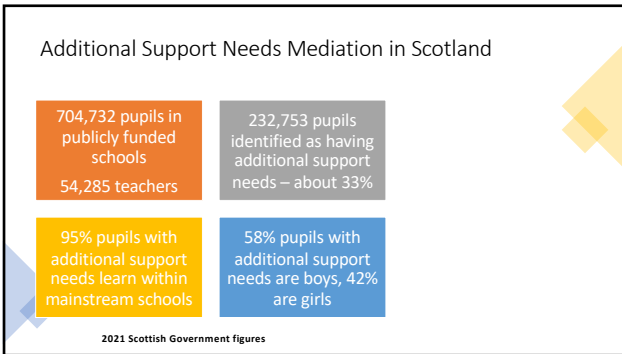
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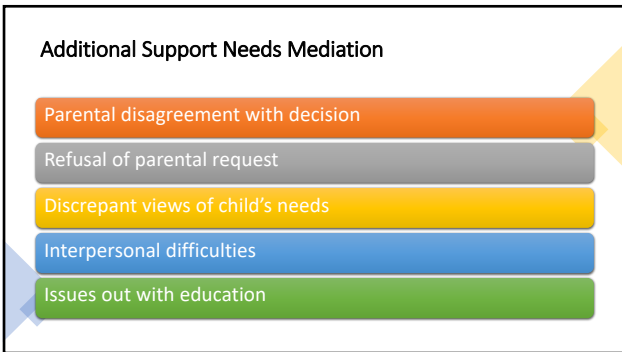
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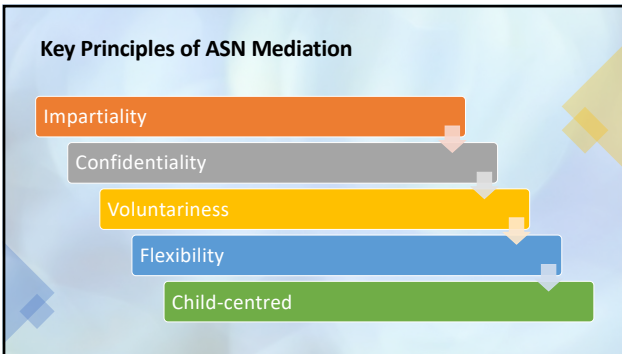
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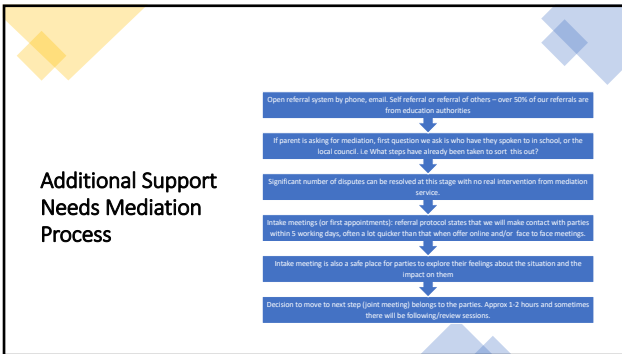
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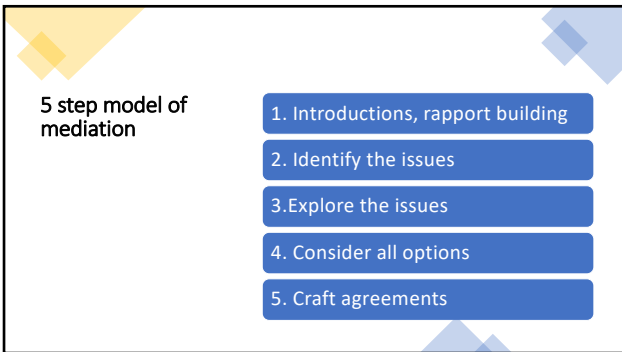
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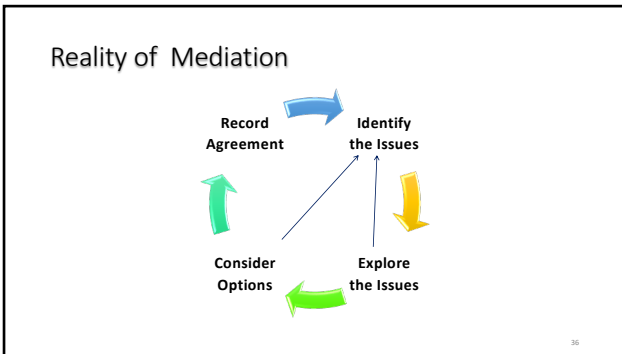
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ASN Mediation in Scotland

2018-2019	45
2019-2020	50
2020-2021	53
2021-2022	67

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What does Resolve do


- We work with people every day that are stressed, worried, angry, upset and frustrated due to 'things' not being right/meeting the needs/ for their child or young person education provision/placements
- A very powerful core part of the service and mediation work we do is understanding the stories about the conflict our users are experiencing and how we can help to shift and open up that story.
- Each person brings their own compelling story to tell about what happened, what the other/s did that was/is wrong, and why.

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When we work with people, we first listen carefully and empathically to their story. they need to tell it and we need to hear it. we ask a lot of follow up questions, give them a chance to vent, be honest, and fully share what is on their minds and hearts about it.

Then, very gently and carefully, we talk about stories and perceptions, and ask them to consider what story the other person might tell about what happened.

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There will always be differing stories and at this stage we would help the people to empathise and understand the possibility of more than one story which allows them not to feel so much like a victim.

At this stage we would be hoping that each realize that the other person is walking in their own (sometimes very different) story, leading to a different perspective on what happened.

Then together we can move towards having a different, more considered and calm conversation that makes room for all angles to be explored, more effective communication and creative problem solving.

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Resolve staff and the mediators spend a lot of time with all our users to prepare for the mediation meetings, to allow them to trust us and to make sure they are fully listened too

We make sure the child or young person are kept at the centre of discussions

We are impartial, and do not take sides or give opinions about who is right or wrong

We strive to make sure mediated meetings ensure everybody is listened to and able to give their views so that people can understand each other so they can work together to find good and manageable solutions

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Insights.....

*Head teacher....
I was nervous about going into mediation but it was much less stressful than I imagined and I felt very supported during the meeting. The written agreement at the end was clear, specific and precise.*

*Parent...
The mediator was able to understand me and what I wanted from the meeting and was able to ensure my feelings and views were heard. She kept me informed about the process and next steps so I was always aware of what was going on...*

Thank you!- for what you have done and helping us to get the outcome we needed for our son'

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Insights.....

Parents

Just wanted to pass on our thanks again to your service for all your advice during this process. I know that for you it is just part and parcel of your day job, but honestly you explained the whole process so clearly and calmly and with such warmth that you took some of our uncertainty and fears away."

Parent about participation of her 13 year old daughter.....

"I wanted to say thank you for helping my daughter take part in her mediation. This was the first time she has been able to articulate her needs and participate in a meeting about herself, she was anxious but everybody at the meeting and especially the mediator gave her a lot of confidence and she is very proud she managed to speak and be involved"

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Analysis of factors occurring in ASN disputes (200 recent cases)

Factor	% Occurrence
A	10%
B	20%
C	26%
D	23%
E	14%
F	7%

- A: disagreement with decision
- B: refusal of request
- C: discrepant views
- D: interpersonal
- E: issues out with education
- F: unknown

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Successful Outcomes

Themes that align to most/all of our cases

- Avoidance of costs, stressful & time consuming legal routes
- After the opportunity at mediation to properly discuss and have conversations about the child's needs the right placement & support was identified and agreed
- At mediation talking, listening and "mending" the relationship and communication between Head Teacher and Parent brought focus back to the child and enabled future plans for support to be made and agreed.
- Even when no agreement was reach and both parties remained fixed in their position, parent felt stress levels were reduced as the opportunity to be listened to helped them move forward

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Questions , comments and conversations



Elaine and I want to thank you for joining us today and listening to us.
It has been a wonderful experience meeting everyone and sharing all we have in common working with families/carers, children and young people both in Scotland and here in your country.
If you ever find you self in Scotland please look us up
Sandra smitchell@childreninscotland.org.uk

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Links to Us



Children in Scotland
childreninscotland.org.uk
Resolve Mediation Service
resolvemediation.org.uk
Enquire
enquire.org.uk
Reach
reach.scot
My Right my Say
myrightmysay.scot
Parents Guide to Additional Support for Learning
enquire.org.uk/enquire-resources/additional-support-for-learning-a-guide-for-parents-a

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