

Stand Up for Quality Education Campaign

Campaign Briefing: ASN Resourcing, January 2024

Purpose of this briefing

As part of the Stand Up for Quality Education ('SUfQE') campaign, this briefing aims to support EIS local associations in negotiations and campaigning in response to the under-resourcing of the Education (Additional Support for Learning) (Scotland) Act 2004, the legislation which underpins additional support needs (ASN) provision, including the deployment of Pupil Support Assistants and specialist ASN teachers within mainstream schools, nurseries and other education settings.

EIS advice is that local discussions and campaigning should highlight five key issues:

- 1. The adverse impact of under-resourcing on **learners' educational experiences and wellbeing** at a time when a key Scottish Government priority is to raise attainment and achievement for all;
- 2. The adverse impact of under-resourcing on the health, safety and wellbeing of staff, the majority of whom are female;
- The relationship between incidence of additional support needs and poverty and educational inequality at a time when the poverty-related attainment gap persists;
- 4. The relationship between the level and complexity of additional support needs and violence and aggression in schools;
- 5. The unsustainability of the current approach, the longer-term human and economic costs, and the need for urgent action.

Why raise this now?

The EIS launched its 'SUfQE' campaign at the Annual General Meeting in June 2023. The campaign has three key priority areas:

- To build the skills, resources and school culture to address distressed, violent and aggressive pupil behaviour
- To call for an increase in funding and support for pupils with additional support needs
- To deliver a significant reduction in teacher workload.

Whilst each element of the campaign will have a distinct national focus, it is recognised that the themes are inter-related and cannot be considered in isolation.

The campaign was launched in the national context of:

• Over a decade of austerity, coupled with high inflation, and real-terms reduction in local authority and school budgets

- Rising numbers of children with ASN in 2023, 37% of the school population have an identified additional support need as compared to 6.5% in 2009
- Rising additional support need as a result of the pandemic, resulting in delayed development in children, particularly in the early stages of primary and an entire generation of young people now in secondary schools who have had their personal, social and emotional development inhibited as a result of repeated lockdowns and only very weak governmental response to education recovery
- **Rising need** in relation to mental health issues
- Rising need related to the impact of poverty and hunger
- **Reduced numbers** of pupil support assistants
- Reduced numbers of ASN specialist teachers
- Large class sizes
- Decreased access to Educational Psychology services
- **Decreased pupil access** to Child & Adolescent Mental Health Services ('CAMHS')
- **Reduced** social work, youthwork and outreach teaching services
- A significant increase in incidence of violence and aggression by pupils towards teachers and pupil support assistants
- **Negative impact** on the mental and physical health, safety, and the general wellbeing, of teachers and school staff, the majority of whom are female
- **Increased workload and pressures** associated with seeking to meet learners' needs in large classes, where children with complex needs all require different kinds of support.

What about more recent developments?

For a long number of years now, the EIS has campaigned for increased resourcing of ASL to bridge the gap between policy and practice in our schools and for the development of a long-term resourcing strategy – including action to reduce class sizes and significantly enhance the availability of specialist ASL support and expertise within schools.

Recently, the outputs of research and consultations which the Scottish Government has initiated as part of Education Reform have reaffirmed the Institute's concerns in this area. The final report¹ by Professors Alma Harris and Carol Campbell, emerging from the National Discussion, sends a strong message to the Scottish Government, calling for `adequate sustained funding to provide staffing and specialist resources to be able to achieve the commitment to inclusivity and [meet] the needs of each learner, with a particular urgency for children and young people identified as having Additional Support Needs' (emphasis added).

The report goes on to acknowledge that despite the current budget constraints and austerity, 'there is an urgent need to review and improve approaches to ensuring adequate, secure, and sustainable funding to provide staffing, specialists, and necessary resources to fully achieve the aspirations of meeting individual needs and an inclusive system'.

¹ All Learners in Scotland Matter - *All Learners in Scotland Matter: The National Discussion on Education Final Report (www.gov.scot)

The Humanly Report², independent research commissioned by the Scottish Government and published in September 2023, examines provision for pupils with complex additional support needs and again focuses on the imperative of resourcing to deliver inclusive education. Despite this clear recommendation, in her letter to the Education, Children and Young People Committee³ outlining the findings of the report, the Cabinet Secretary made no reference to resourcing as part of the Government's response to this research.

Yet the total number of pupils with an identified additional support need as per the December 2023 Summary Statistics for Schools in Scotland data is 261,045 (37% of the school population). This represents an increase of almost 20,000 children and young people in the course of one year. The same document also highlights that pupils with ASN are at significantly higher risk of exclusion than pupils without an ASN. The rate of exclusion for pupils with an ASN was 34.6 exclusions per 1,000 pupils in 2022/23, almost five times the rate for pupils without an ASN (7.1 exclusions per 1,000 pupils)⁴. Poverty was also associated with higher exclusion rates. Rates of exclusion per 1,000 pupils were three and half times greater for pupils living in the 20% most deprived areas, compared with pupils living in the 20% least deprived areas. ⁵ These statistics cannot be ignored.

Whilst the pledge in the Scottish Government's budget to employ more teachers on permanent contracts is welcome, this must actually lead to there being additional, permanently employed teachers in our schools and not just funding to maintain teacher numbers. Teacher numbers have fallen across Scotland in each of the last two years, and the numbers of teachers on temporary contracts remain high. Despite a Scottish Government pledge to recruit 3,500 additional teachers across the country by 2026, we have seen no movement to bring this to fruition. We desperately need more teachers in our schools to support the best possible learning experience for all young people, including those with additional support needs.

The evidence is clear and the call for sufficient and immediate resourcing of ASL overwhelming. We now need the Scottish Government to act, for the children and young people in our schools, for their families and for our teachers and school staff.

Making and winning the arguments together locally

Where lack of ASN provision has been identified as a priority issue at local level, local associations are advised to work with unions representing education support staff in local authority areas, and possibly other teaching unions, making the case strongly against any proposed cuts to the education budget in general and ASN provision, in particular - either in the form of specialist teachers or in the form of support staff who, as low-paid workers, often are in the sights of local authorities seeking to make savings.

² Research into Provision for Pupils with Complex Additional Support Needs - <u>1 (www.gov.scot)</u>

³ SG - Gaelic - Cabinet Secretary for Education and Skills (parliament.scot)

⁴ Summary statistics for schools in Scotland 2023 - gov.scot (www.gov.scot)

⁵ 25.3 exclusions per 1,000 pupils compared to 7.2

Any further erosion of staffing in ways that undermine the health and wellbeing of staff, put the safety of staff and young people at risk, and exacerbate the disadvantage already experienced by many children and young people with additional learning needs, would be even more unjust, unsustainable and therefore unacceptable.

If deemed appropriate, Local Associations are advised to engage with employers through existing negotiating and consultation frameworks. In the case of LNCTs, Local Associations will need to remain cognisant of SNCT terms and conditions and ensure that any work progressed remains within the devolved remits of LNCTs. It may also be the case that, when engaging with non-teaching trade unions, that any collaborative activity ensures that the separate bargaining arrangements, both locally and nationally, are maintained.

Consideration should also be given to advancing joint campaign objectives through avenues such as local Trades Union Councils and JTUCs. These are effective fora to promote solidarity, link with the local community, campaign jointly and influence elected members.

Possible campaign actions:

Engage with unions representing education support staff in local authority areas.

Set up clear, effective and sustainable channels of communication across relevant unions- both formal and informal to enable flow of dialogue throughout the campaign.

Organise - adopt an organising approach to campaigning, involving members within individual unions at all stages, building the grievance, sharing the narrative, securing individual member buy-in and willingness to take action within the campaign and monitoring this at key intervals.

Work with Area Officers and Organisers to arrange branch meetings, sharing the key messages from this campaign briefing and providing data on ASN provision relevant to your Local Authority, to engage members at a local level.

Gather local ASN data- many elements of the national School Census Data are broken down by local authority. Examine the staffing trends over the past decade.

Build external campaigning alliances -

- across all relevant unions and act together communicating, sharing knowledge and ideas, agreeing campaign strategy and tactics, supporting one another, and resisting efforts by employers and/or politicians to weaken the campaign by 'divide and conquer' tactics;
- with parents and parents' organisations such as Connect (the national Parent Council body which organises locally) and the National Parent Forum of Scotland (which also has local branches).

Take the campaign to the wider public- street stalls, leaflets, address meetings of community groups, organise visible and eye-catching public demonstrations that will capture the interest of members and the wider public.

Engage local and national press interest and use social media- as platforms from which to make the arguments against any proposed cuts to services and for increased staffing levels; and to publicise campaigning activity and events. Issue joint press releases and statements; devise a joint social media strategy.

Meet jointly and seek to negotiate - with Directors of Education, Heads of Inclusion Services or other key local authority staff, on the issue.

Meet jointly with individual/small groups of elected members - of the Council on a party political basis to make the arguments and seek to secure support. (Next Scottish Parliamentary elections are in 2026 and local government elections in 2027 - seek manifesto commitments in the lead-up.)

Write jointly to officers and elected members of the Council.

Request to jointly address meetings - of the Education Committee of the local authority and/ or full meetings of the Council.

Lobby local MSPs - on a party-political basis. Try to get individual MSPs to support your joint campaign.

Network with branches and local associations in other local authoritiesshare the challenges, the learning and the wins.

Preparing the Arguments: ASN in Scotland- facts and figures

- Over 1 in 3 school pupils (261,045 pupils/37%) has an identified ASN; in 2009, the overall number was 44,177; the increase over that period is 491%.
- 95% of children with additional support needs spend some, or all of their time, in mainstream classes in line with the Presumption to Mainstreaming legislation⁶.
- Special school provision, where significantly smaller class sizes are determined by strict national agreements, are a necessity and must be available for children whose complex needs cannot be properly addressed in mainstream settings.

Yet in the period between 2016 and 2022, there was **a 23% reduction** (from 141 settings in 2016 to 2019 in 2022) in the number of special schools.⁷

⁶ Pupil+census+supplementary+statistics+2023+-+December.xlsx (live.com)

⁷ Schools in Scotland 2022: summary statistics - gov.scot (www.gov.scot)

- Teacher census data shows that there are too few staff working in ASL and that the general trend over recent years has been a decline in staff with specialist roles, e.g. Behaviour Support, English as an Additional Language ('EAL'), Learning Support.
- Scottish Government statistics demonstrate that across Scotland, ASN teacher numbers fell in 22 out of the 32 local authorities over the period 2010 to 2022.
- In 2010, there were 3,524 Full Time Equivalent ('FTE') ASN teachers⁸ across all local authorities falling to 2,843 FTE in 2022⁹ **a loss of 681 FTE teachers or a staggering 19% decrease in provision,** at a time when the number of children and young people with an identified ASN in Scotland's schools had increased by almost 24%¹⁰.
- Some schools no longer have any one-to-one support for pupils with additional support needs or specialist services.
- On occasions when support in the classroom is available, EIS members have highlighted in our recent national <u>Violence and Aggression Survey Report</u>, that pupil support workers are often pulled away to help manage behaviour issues.
- In the same survey, branches were asked what actions would best support all pupils and teachers in dealing with violent and aggressive behaviour. Increased numbers of support staff to support pupils with ASN was the most commonly recorded answer for both primary (75/5%) and special education branches (65.4%).
- There are far too few Educational Psychologists, which hinders the assessment
 of certain additional support needs. Despite the exponential growth in the
 numbers of children and young people with ASN, there were only 11 more
 Educational Psychologists employed in Scottish schools in 2022 than in 2012.
- Rather than working directly with children and young people, Educational Psychologists are now more removed from schools, providing consultancy and training services rather than supporting young people directly.
- On average, one in four children in Scotland lives in poverty (often strongly linked to having ASN). In some school communities, the figure is more than 1 in 3.
- The PISA results 2022, published in December 2023, highlight that 11% of 15-year-olds in the UK reported skipping a meal at least once a week because there was not enough money to buy food¹¹. This compared to an

⁸ ASN teachers described by the government as teachers whose main subject is Learning Support Primary and Secondary; ASN; ASN Behavioural Support; ASN Learning Disabilities; Hearing impairment; Visual Impairment; or English as an Additional Language.

⁹ Teacher+Census+Supplementary+Statistics+2022+V2.xlsx (live.com)

¹⁰ Pupils+Census+Supplementary+Statistics+2022+V2.xlsx (live.com) – table 6.7

¹¹ a97db61c-en.pdf (oecd-ilibrary.org)

OECD average of 8%. This significant level of poverty-related hunger has an impact on concentration, learning and behaviour.

- The Behaviour in Scottish Schools Research (2023) reported an increase in reports of secondary teachers encountering pupils under the influence of drugs or alcohol at least once a week. This figure has jumped from 5% in 2016 to 16% in 2023.¹²
- The Behaviour in Scottish Schools Survey confirms that incidents of violence, aggression and disruptive behaviour in Scotland's schools have risen significantly over the past few years, with worrying evidence to suggest a new increase in misogynistic views, attitudes and behaviour by male pupils.
- The latest PISA results show that 35.8% of Scottish pupils have witnessed a fight on school property in which someone was hurt, compared to the OECD average of 17%¹³.
- In the EIS national Violence and Aggression Survey, **83% of respondents** reported incidents of violence and aggression every single week. The report also makes a clear link between the unmet needs of pupils with ASN and incidents of violence and aggression, with 94.3% of branches highlighting that unmet need exacerbates this behaviour.
- With 92.3% of special school branches also citing the correlation between the unmet additional support needs and incidents of violence and aggression, the issues around meeting the needs of learners is prevalent in those settings, in the same way as in mainstream schools.
- 99% of branches indicated that poor pupil behaviour is having a detrimental impact on the learning experience of pupils in school and almost all branches reported an increase in stress, anxiety and depression in teachers.
- In the wake of the pandemic, it is clear the mental health and wellbeing of children and young people in Scotland, together with the underlying causes of ill health, continue to raise significant concerns. The mental health and wellbeing of girls, especially of adolescent girls, is particularly poor and deteriorating.
- Access to support services is inconsistent, and many children and young people have to wait lengthy periods before receiving an appointment with the professional involved.

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¹² Behaviour in Scottish schools: research report 2023 - gov.scot (www.gov.scot)

¹³ Summary | PISA 2022 results (oecd.org)

- Reports demonstrate that a total of 1,570 children had been waiting over a year for treatment at the end of 2021¹⁴.
- Demand continues to outstrip capacity, not only in CAMHS but in other services designed to support the mental health and wellbeing of children and young people.
- Some children's needs are best met when teachers can augment the support
 offered in the classroom with support from specialists such as English as an
 Additional Language ('EAL') teachers or Speech and Language Therapists.
 Under austerity budgeting, many of these services have experienced
 significant cuts.
- Members report increasing difficulty in referring children to the services they
 need to be fully engaged and involved in their education and even where they
 can access the service, the nature of the support has changed from direct
 engagement to one of consultancy for the class teacher.
- In the EIS 2023 all member survey, members were asked to what extent children and young people in their settings were able to access front line services, when the support need is identified. 12% of all respondents said they were never able to access front line services when the need is identified (17% in Primary and Nursery), and 44% said they could only access this occasionally at the point of first need (48% in Primary and 42% in Nursery).
- There is evidence to suggest that parents of children with additional learning needs, who have higher income, greater social and educational capital, and therefore greater capacity to advocate on behalf of their children, have greater success in ensuring that resources are secured on their children's behalf. As a result, existing educational inequalities between more and less affluent children with additional needs, are widened.
- If early intervention strategies which underpin 'Getting It Right for Every Child' are to operate effectively, immediacy of access must be secured.
- Evidence clearly indicates that smaller classes have a significant impact on the quality of the learning experience, the ability of teachers to respond to pupils' need, and on achievement and attainment. Many pupils with ASN, such as neurodiverse pupils, would benefit from smaller groupings.
- With an average class size of 23.3 in 2022, Scotland is lagging behind the OECD and the EU22 average. The OCED average is 21 in primary and 23 in lower secondary and the EU 22 average class size in primary schools was 20.
- EIS members have made it clear that a reduction in class sizes would allow time to embed more inclusive approaches, giving teachers time and space to

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¹⁴ Waiting times grow for Scotland's child mental health services - BBC News

build the relationships with pupils that they need to provide effective support for children with additional support needs and allowing them to engage meaningfully with parents.

 When asked, in our national survey, what actions would assist teachers in dealing with violence and aggression in the classroom, secondary school branches (72.8%) recorded smaller class sizes as their favoured action. Primary school teachers (65.5%) ranked this second, only to the provision of increased support staff.

Preparing the Arguments: wide-ranging learner needs

Members will be aware that Scottish ASL legislation is expansive and covers a wide range of circumstances from which additional support needs (ASN) can stem. A young person is said to have 'additional support needs' if they need **more, or different, support to what is normally provided in an educational setting to children/young people of the same age**. The range of learners' needs is becoming ever wider, with the presumption of mainstreaming, which the EIS supports in principle, meaning that schools and colleges now have learners with a very wide range of support needs, arising from (but not limited to):

- sensory impairment, including impaired sight or hearing
- long-term learning difficulties or disabilities e.g. dyslexia, dyspraxia
- neurodiversity
- physical disabilities and health conditions, such as diabetes, asthma or epilepsy
- mental health conditions, such as anxiety or depression
- experience of the care system/being looked-after by the authority or kinship carers
- social, emotional and behavioural issues
- being a young parent or carer
- having experienced abuse or neglect
- family issues such as parents involved with substance misuse or in prison
- having English as an additional language
- being a refugee or asylum seeker
- changing gender identity or expression
- coming from a Traveller community
- being exceptionally gifted or having particular talents.

Some children will have needs arising from multiple factors in combination, including poverty and deprivation. With such a diverse range of needs in schools and colleges, it is self-evident that resourcing – particularly staffing resource – needs to be in place to ensure that educational establishments can 'Get it Right for Every Child' and young person.

Preparing the Arguments: relevant policy and legislation

Meeting the variety of needs present in schools is primarily required by the Education (Additional Support for Learning) (Scotland) Act 2004. However, it is also supported by other laws and policies, including:

- Curriculum for Excellence

- the Standards in Scotland's Schools Act 2000
- Getting it Right for Every Child (an aspect of the Children and Young People Act 2014) and the SHANARRI indicators
- the UN Convention on the Rights of the Child.

The Equality Act 2010 is relevant, as it affords both learners and staff protection from discrimination, including discrimination arising from disability, which can include mental health conditions associated with work-related stress. Some young people may have ASN which overlap with the protected characteristics in this Act, e.g. travellers whose needs arise from their ethnicity, or young people undergoing gender reassignment whose circumstances temporarily give rise to support needs. There is also interaction between the Equality Act 2010 and certain policies e.g. around exclusion.

The Government has committed through the National Improvement Framework (NIF) to raise attainment for all and to close the poverty-related attainment gap between Scotland's most and least disadvantaged young people. This applies also to children with ASN, a disproportionate number of whom also live in poverty. Local authorities are required to report annually on their progress towards realising the aspirations contained in the NIF.

The impacts on staff of under-resourcing of learner support prompt significant issues. For that reason, the Health and Safety at Work Act 1974 is also relevant, and Health and Safety risk assessments can be an important tool to use in instances where cuts in a particular area of ASN provision are proposed. This is particularly relevant in the context of the rising levels of violence and aggression which is evident in Scottish schools.

Preparing the Arguments: the impact of under-resourcing ASL provision

The issues caused by the continuing under-resourcing of ASL provision are well-documented. These can be summarised as follows:

Impacts on safety, health and wellbeing

- Increased stress and risk of personal injury or other health impacts for staff, because of exposure to violent incidents, abuse or aggression, from learners who require more support but are not getting it, and from their parents.
- Reduced morale among staff, owing to a feeling of failing young people and their families; a feeling of being 'useless'; feeling blamed for repetitive unacceptable pupil behaviour; feeling unsupported by School Management Teams; concern for vulnerable children.
- Reduced wellbeing both at and outside of work lack of sleep, headaches, generalised anxiety – all of which undermine effectiveness at work and potentially contribute to more long-term illnesses and absence from work. Unsurprisingly, the results of the EIS 2023 all-member survey highlight these concerns.
- It found that:

- > 72.5 % of respondents were stressed all the time or frequently (19.7% and 52.8% respectively)
- > 53% of respondents from secondary schools indicated that improved pupil behaviour in class would make the biggest impact on improving their wellbeing at work
- ▶ 65.2% of respondents from the primary sector indicated that having more classroom assistants and support for inclusion and pupils with ASN would have the biggest impact on improving their wellbeing at work.
- Increased workload for teachers and support staff against a backdrop of rising need and reduced human resource to address it.
- In the EIS 2023 all-member survey, 70% of primary respondents indicated that having more classroom assistants and support for inclusion would make the biggest impact on reducing workload.

Impacts on learners' wellbeing

- There are multiple health and wellbeing impacts caused by reduced ASN for learners, both those who have additional support needs and those who don't.
- Learners who have additional support needs can experience reduced morale and lower self esteem, due to:
 - o receiving less support to have their needs met than is required;
 - being less supported to take part in enrichment/after-school activities than is required;
 - higher levels of generalised anxiety;
 - o being more likely to display challenging behaviour;
 - being involved in more violent incidents, fights and low-level disruption to learning; and
 - experiencing a loss of dignity e.g. when they exhibit high levels of distress ("a meltdown").
- Among the general pupil population, learners can experience higher levels
 of anxiety due to more stressful atmospheres developing when children with
 ASN do not receive the requisite support; stress caused by disrupted
 learning e.g. when a classroom has to be evacuated due to a violent
 incident; potential distress caused by witnessing peers' violent behaviour
 towards staff and/or pupils; and overall, reduced enjoyment of school.

Impacts on learners' educational experiences

- Some pupils being unable to access learning due to social/emotional issues.
- Less access to learning support for some pupils, as this is diverted to supporting the most complex and severe needs, e.g. less support for children with dyslexia.
- Some pupils having longer waits for work to be marked or new work set.
- Risk of reduced attainment and achievement, due to increasing nonattendance, opting out of school, disruption of learning or less time with teachers
- Differential impacts depending on socio-economic status: children from higher income families often getting more support than those from poorer backgrounds, as a result of more powerful parental advocacy.
- Less support available at transition times.

 Some pupils having fewer positive interactions with Senior Management Teams and other teachers who are dealing with large numbers of acute cases/crises.

Further reading and contacts

Education (Additional Support for Learning) (Scotland) Act 2004: https://www.legislation.gov.uk/asp/2004/4/contents

'Supporting Children's Learning' Code of Practice - Statutory Guidance on the ASL Act: https://beta.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/

Children in Scotland's 'Enquire' service: http://enquire.org.uk/

Scottish Parliament Education and Skills Committee report on ASN provision: http://www.parliament.scot/S5 Education/Reports/ASN 6th Report 2017.pdf

Summary Statistics for Schools in Scotland 2023: <u>Classes and pupils - Summary statistics for schools in Scotland 2023 - gov.scot (www.gov.scot)</u>

EIS Report ASL in Scottish school education: 'Exploring the gap between promise & practice', published March 2019 https://www.eis.org.uk/Additional-Support-Needs/ASNGuidance

Joseph Rowntree research on the link between special educational needs and poverty: https://www.jrf.org.uk/report/special-educational-needs-and-their-links-poverty

All Learners in Scotland Matter - <u>All Learners in Scotland Matter: The National Discussion on Education Final Report (www.gov.scot)</u>

Behaviour in Scottish schools: research report 2023 - gov.scot (www.gov.scot)

Research into Provision for Pupils with Complex Additional Support Needs - $\underline{1}$ (www.gov.scot)