

Background Legislation and Guidance

The following examples of local and national guidance, legislation and policy, which are shaping the practice of teachers and other school staff, are recognised as being particularly pertinent to this resource.

Updated Presumption of Mainstreaming Guidance

This guidance aims to bridge the gap between legislation, policy and day-to-day experience, ensuring that children and young people have equitable access to a quality education which meets their needs and helps them achieve their full potential.

<https://consult.gov.scot/supporting-learners/presumption-of-mainstreaming/>

Additional Support for Learning: Research on the experience of children and young people and those that support them

This qualitative research explored the experiences of children and young people of additional support for learning, and the experiences of those who support them.

<https://www.gov.scot/publications/additional-support-learning-research-experience-children-young-people-those-support/>

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

This legislation provides a framework to support children and young people who require some help with their learning. The framework is based on the idea of additional support needs, a term which applies to any child or young person who requires additional support, long or short term, to help them make the most of their school education. The amended Act deems that all looked after children and young people have additional support needs unless the education authority has established through assessment that they do not. The Act also aims to ensure a partnership with parents/carers and collaborative working with professionals from partner services and agencies, to meet the needs of the child or young person. This module supports staff in meeting many of the learning needs of the learners in their school.

http://www.legislation.gov.uk/asp/2009/7/pdfs/asp_20090007_en.pdf

Supporting Children's Learning: Code of Practice (Revised Edition) 2017

This provides guidance on the implementation of the Education (ASL) (Scotland) Act, as amended in 2009. It gives a summary of the Act including clear definitions of which groups of learners are covered by the Act and what constitutes additional support needs. The duties under the terms of the Act on education authorities and other agencies with respect to supporting children's and young people's learning are set out. Examples of best practice are provided with reference to the Getting it Right for Every Child (GIRFEC) approach and Curriculum for Excellence framework.

<https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/pages/1/>

The Children and Young People (Scotland) Act 2014

This legislation underpins the Getting it Right for Every Child (GIRFEC) approach and aims to improve the way services work together to support children and young people. It provides a common practice framework and embeds partnership working with families across the full range of services and agencies in order to meet the needs and promote the wellbeing and potential of all children and young people. Key to this are a consistent single planning approach for children who require additional support from services, a Named Person for every child and a holistic understanding of wellbeing. In addition to the Named Person children who have complex needs may also have a Lead Professional to coordinate their care. In some cases, the Named Person will also take on the role of the Lead Professional, but this role could be taken on by any person who is closely involved with the child and their family, so could be from any agency. Under this legislation there are new duties placed on schools and other public bodies to focus on improving broader wellbeing outcomes for children.

http://www.legislation.gov.uk/asp/2014/8/pdfs/asp_20140008_en.pdf

The Equality Act 2010

This Act brings together and extends the existing UK equality legislation. The Act introduced protected characteristics (for example a person's disability, race, ethnicity, religion and sexual orientation) for which discrimination is unlawful. The Act places specific duties on public bodies (including schools) and individuals to prevent discrimination, harassment and victimisation. In relation to schools this includes, for example, making reasonable adjustments to the school environment, teaching methods, assessment procedures and school trips to ensure that learners with protected characteristics (or learners associated with others who have these protected characteristics) are not discriminated against. Further guidance specifically for education providers, produced by the Equality and Human Rights Commission, can be accessed at

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Curriculum for Excellence

The Curriculum for Excellence aims to improve the learning, attainment and achievement of children and young people. It clearly focuses classroom practice on the learner and around developing the four capacities of education: that young people should be successful learners, confident individuals, responsible citizens and effective contributors. This resource (*Inclusive Learning and Collaborative Working: Ideas in Practice*) aims to help teachers to meet these aspirations by providing supports and strategies which will promote the learning of all learners, by addressing specific areas of challenge and by giving information on how to seek out further support if required.

[https://education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-\(building-from-the-statement-appendix-incl-btc1-5\)/What%20is%20Curriculum%20for%20Excellence](https://education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-(building-from-the-statement-appendix-incl-btc1-5)/What%20is%20Curriculum%20for%20Excellence)

How Good is Our School?

'How Good is Our School?' is designed to promote effective self-evaluation as the first important stage in a process of achieving self-improvement. It provides a framework for improvement that focuses in particular upon closing the gap in attainment, achievement and wellbeing between children and young people living in our most and least deprived areas in Scotland. 'Inclusive Learning and Collaborative Working: Ideas in Practice' is designed to support self-evaluation for improvement.

For example, the supports and strategies detailed in each area of the Skills, Supports and Strategies section could act as a useful guide when evaluating how well the school makes arrangements to meet the learning needs of learners. The 'discussion points' included in most sections could also be used as a basis for discussions around self-evaluation; at both an individual and a whole school level.

https://education.gov.scot/improvement/Documents/Frameworks_SelfEvaluation/FRWK2_NIHeditHGIOS/FRWK2_HGIOS4.pdf

Scottish Schools (Parental Involvement) Act 2006

This legislation places duties on local authorities to support and strengthen the involvement of parents/carers in their children's education. It refers to the body of evidence that supports the premise that children do better when parents/ carers and schools work together. The Act provides a framework which gives parents/carers the opportunity to get the information they need to support their child and encourages them to express their views and have these considered, either at individual meetings or through a school parent forum or parent council. Under the terms of the Act each local education authority must produce a 'Strategy for Parental Involvement' which will outline how parental engagement will be supported and strengthened

<http://www.legislation.gov.uk/asp/2006/8/contents>