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Inclusion and Equality

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Policy context

Providing an inclusive service

An inclusive approach in an education setting aims to ensure the full participation of learners in the curriculum and the wider community, to enable the highest achievements and attainment and promote a sense of belonging. This ethos impacts on the culture, policies and practice of every establishment and service, and in particular, promotes the learning and participation of children, young people and adults.

Education in South Lanarkshire is based on an inclusive ethos, which will ensure that all learners are treated fairly, have equality of opportunity and have a sense of belonging in their learning environment.

The **outcomes** associated with inclusion are key to ensuring equality of opportunity:

- The needs of learners are met in age appropriate, inclusive settings, within or as near as possible to their local area
- All learners are given the opportunity to be included in their wider school, Learning Community and learning environment
- Through the provision of a wide range of appropriate support, all learners develop as confident individuals, successful learners, effective contributors and responsible citizens
- All educational establishments and providers maximise the use of resources, so that all learners are included in the culture, curriculum and community
- All learners feel safe, healthy, achieving, nurtured, active, respected, responsible and included, regardless of the diversity of their need

Equality

Equality is the elimination of unlawful discrimination, harassment, victimisation and any other unlawful conduct. It is also the advancement of equality of opportunity and fostering of good relations to tackle prejudice and promote understanding.

South Lanarkshire Council is committed to upholding and promoting equality as outlined in the Equality Act 2010. Our approach to celebrating and supporting diversity is demonstrated in our day to day work and our commitment to providing high quality education that is accessible to all.

The Equality Act 2010 extends legislative protection to the seven protected characteristics within educational establishments: race, disability, gender, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity, and places duties on local authorities related to these protected characteristics. It should be noted that age, marriage and civil partnership are not protected characteristics for schools provision, although they need to be taken into account for other educational services.

Education Resources aims to actively promote equality of opportunity for all learners. In order to ensure accessibility for all, reasonable adjustments may be required to support individual learners.

The underlying principles laid out in the Scottish Government's Strategic Guidance for Community Planning Partnerships incorporate 'inclusion, equality of opportunity and anti-discrimination – recognising some people need additional support to overcome the barriers they face.'

The **outcomes** associated with the component of equality are that:

- All learners work in an open, supportive environment, where everyone has the opportunity to reach their full potential and understand the values and benefits of equality and diversity
- All learners are treated fairly and have equality of opportunity
- All Education Resources staff integrate equality into everything they do

Identification and assessment of needs

The additional support needs of learners in South Lanarkshire are identified, assessed and planned for to ensure that they receive, 'the right help, at the right time, in the right place'.

The staged intervention approach to meeting needs enables establishments to provide the most inclusive, least intrusive level of support for any child or young person with additional support needs.

The staged intervention approach promotes the following **outcomes** for learners:

- All learners needs are identified in line with the principles of Getting it right for every child, in a proportionate and timely manner
- Learning outcomes are set out in an appropriate plan
- Progress is effectively monitored, recorded and shared with the learner and their parents/carers at key stages

Providing an inclusive and appropriate curriculum

Curriculum for Excellence sets out every child and young person's entitlement to a broad education. This includes all experiences and outcomes across the eight curricular areas.

For children and young people with severe learning needs, the entitlements should be balanced with what is meaningful and relevant for individual pupils.

(The South Lanarkshire framework for supporting pupils with severe and profound learning needs, 2015)

The provision of an inclusive and appropriate curriculum will enable all learners to achieve the following **outcomes**:

- To develop their understanding of valuing diversity and commonality among people
- To become successful learners, confident individuals, responsible citizens and effective contributors
- To experience challenge and enjoyment, breadth, progression, depth, personalisation and choice, coherence and relevance
- To develop their awareness of their rights and responsibilities as an individual
- To be supported by effective learning and teaching strategies which meet their individual needs
- To receive appropriate support to help them achieve their full potential

Involving all learners and parents

Through positive partnerships between Education Resources staff, learners and parents/carers, we achieve the following **outcomes**:

- All learners and their parents understand that they have been listened to and that their wishes have been considered. In turn they feel empowered and engaged in the educational process
- All learners are supported to express their views
- Staff respond promptly and sensitively to the views and concerns of learners and parents/carers
- Learners and parents are involved in the creation of improved educational services

Good communication, the provision of relevant information and access to support, helps to avoid disagreement and escalation into conflict.

It is good practice for managers and practitioners to ensure that parents and children fully understand the reasoning underpinning decisions concerning their education. This transparency is important, as is the principle that parents and children are made aware of their rights with regard to dispute resolution and mediation in circumstances when there continues to be disagreement between professionals and families. An important part of this process is for managers to ensure that discussions and issues of contention are set out in records of meetings available to all parties and actions arising are highlighted and subsequently seen to have been completed.

As with the provision of support, resolving disputes should be taken forward in a staged and proportionate way. There are clear guidelines available for managers to support this process, involving officers from Education Resources when required, depending on the nature of the dispute and its root cause. One key method is to plan for solution-oriented meetings.

If the dispute is centred on a child's additional support needs, then the Additional Support for Learning (Scotland) Act 2004 makes provision for different forms of dispute resolution. These include formal mediation approaches, the national organisation, "Resolve", dispute resolution through the involvement of an experienced independent practitioner and reference to the Additional Support for Learning Tribunal (Scotland) to hear the dispute details and rule on the matter.

A key aspect of any resolution of dispute concerning a child's additional support needs will be the views of the child.



As part of the Getting it right for every child approach, the What I Think tool was developed to draw out the views of children with regard to how they felt about their life in relation to the eight wellbeing indicators. This remains a valid tool for garnering the views of a child in a general sense and is important in additional support planning. However when a dispute with a family has a specific focus on some aspect of the child's experience of education or life at school then it is important that how the child feels about the issue is understood and recorded by the school management. This undertaking should be taken forward keeping in mind best practice to elicit such views. The advice of an educational psychologist may be sought to establish how best to capture the child's views in the most natural way.

Partnership working

Education Resources is committed to the Getting it right for every child principle of working together with partners to improve educational opportunities for all learners and their families. Through effective partnership working the following **outcomes** may be achieved for all learners:

- Integrated assessment, planning and service delivery
- Early intervention and improving service provision for the most vulnerable learners

Continuous Professional Learning

Education Resources is committed to developing staff to promote inclusion and equality in all learning environments through a range of continuing professional learning opportunities with the following **outcomes**:

- All staff are committed to developing their understanding of the characteristics of an inclusive establishment and have a working knowledge of additional support needs
- Every establishment should have a member of staff with more detailed knowledge of the range of needs and the implications of legislation for practice
- Through undertaking further specialist training, designated staff are able to advise and support establishments in meeting the needs of children, young people and adults with additional support needs



Effective Leadership and Management

Inclusive policies, cultures and practice are promoted throughout the organization with a focus on the following **outcomes**:

- The development of inclusion and equality is led effectively, both at authority level and within establishments. Practice is in line with legislative requirements and national and local guidance
- Learning Communities promote an embedded ethos of inclusive practice in all educational establishments

The activities of schools and teachers concerning children with additional support needs are informed by good practice, guidance from Education Scotland and Education Resources and legislative duties. These duties are explored by subject in other briefing notes. However below is set out a short review of the Acts of Parliament and Scottish Parliament which presently set out the duties which school managers must follow.



Legislative context

In recent years there have been a number of legislative developments which provide the context for supporting inclusion and equality in educational establishments. This section sets the legal framework which directly relates to this.

[Education \(Scotland\) Act 2016](#)

This Act supports a range of improvements to Scottish education including: improving the attainment of pupils from poorer backgrounds; widening access to Gaelic medium education; giving children a voice in matters that affect them; and extending the rights of children with additional support needs. View information on the Act by searching related words on the internet.

[The Children and Young People \(Scotland\) Act 2014](#)

This Act establishes wellbeing as the key mode of assessment for practitioners within Scottish schools. Wellbeing is based upon the wellbeing indicators set out in the UN Convention on the Rights of the Child. The Act also sets out the duties and powers of the Named Person and Named Person Service and the functions of the Child's Plan. It also places further duties on Councils with regard to their corporate parenting role for children who are looked after. View information on the Act by searching related words on the internet.

[Education \(Additional Support for Learning\) \(Scotland\) Act 2004, as amended](#)

This Act provides a framework for local authorities and other agencies to support all children with their learning. It came into force in November 2005. It introduced the concept of additional support needs, gave parents and pupils new rights and placed duties on local authorities and other agencies. It also set in place the processes for resolving differences for families and authorities – mediation, dispute resolution and the Additional Support Needs Tribunal. View information on the Act by searching related words on the internet.

The Act was amended in 2009 and the Education (Additional Support for Learning) (Scotland) Act 2009 came into force in November 2010.

[Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007](#)

The 2007 Act places education authorities under a duty to ensure that all schools are health promoting. A school is health promoting if it provides activities and an environment and facilities which promote the physical, social, mental and emotional health and wellbeing of pupils. View information on the Act by searching related words on the internet.

[Scottish Schools \(Parental Involvement\) Act 2006](#)

The Scottish Schools (Parental Involvement) Act 2006 aims to make it easier for parents to become involved in their own child's education and in their child's school more generally. View information on the Act by searching related words on the internet.

[Education \(Disability Strategies and Pupils' Educational Records\) \(Scotland\) Act 2002](#)

This Act sets out the duties on education authorities, schools and other responsible bodies to plan for the needs of disabled pupils, to ensure access to the curriculum, physical environment of schools and school information. View information on the Act by searching related words on the internet.

Guidance on preparing accessibility strategies is available on the Scottish Government website.

[Standards in Scotland's Schools etc. Act 2000](#)

This Act sets out the rights of children to school education (including children who cannot attend school because of ill-health) and the related duties of education authorities. The Act introduced the policy of 'presumption of mainstreaming', i.e. that all children will be expected to attend mainstream school unless certain circumstances apply. View information on the Act by searching related words on the internet.

Guidance on implementing presumption of mainstreaming is available on the Scottish Government website.

[Education \(Scotland\) Act 1980](#)

This Act sets out the basic legal framework for the provision of education in Scotland including the duties of local authorities and rights of parents. View information on the Act by searching related words on the internet.





