

Inclusion, equality and wellbeing

This factsheet explains:

- how all pupils in Scotland should be and feel included
- the law on equality in education
- how professionals working with your child should consider and protect their wellbeing.

Inclusion

Schools and nurseries should do their best to make sure all pupils can be involved in all aspects of their education.

They should consider how inclusive they are in their:

- learning and teaching practices
- relationships with pupils
- values and attitudes.

All pupils have a right to the support they need to benefit fully from their education. This includes pupils in mainstream schools and nurseries, special schools and nurseries or additional support bases or units (or a combination of these).

The Scottish Government has set out four key features of inclusion to explain what the term means and what pupils can expect¹:

¹Presumption to provide education in a mainstream setting: guidance (2019)

Present

Schools and nurseries should provide a learning environment that helps pupils to attend in person. Some pupils who cannot attend school may engage with learning in other ways (such as through digital technology).

All pupils should:

- learn in environments which best meet their needs
- be fully engaged in the life of their school or nursery
- receive a full-time school education with flexible approaches to meet their needs.

Participating

Participation is about pupils being involved in the wider school or nursery community, as well as doing schoolwork and homework. This includes taking part in trips, events and other extra-curricular activities.

All pupils should:

- have their voices heard in decisions about their education, including on where they learn
- be able to take part and engage as fully as possible in all aspects of school or nursery life
- have the support they need to take part in their learning.

Achieving

The law² says that local authorities must make sure that each pupil's education helps them develop their personality, talents and mental and physical abilities to their fullest potential.

All pupils should:

- have help to do the best they can at school or nursery
- have access to a varied curriculum that meets their individual needs.

Supported

If a pupil needs extra help with their learning, for any reason, they have a right to receive the support they need to do their best at school or nursery.

²Standards in Scotland's Schools etc. Act 2000

All pupils should:

- receive the right help, at the right time, from the right people and in the right place
- get help if they need it to take part in all aspects of school or nursery life
- get help to overcome barriers to learning and do the best they can.

Equality

Schools and nurseries must treat all pupils fairly and with respect. Treating pupils fairly may not mean treating everyone in exactly the same way. Schools and nurseries may need to change the way they do things to help each pupil get the best from their education.

What does the law say about equality in schools?

Under the Equality Act 2010 all schools, nurseries and local authorities in Scotland must protect pupils from discrimination and work towards increasing equality of opportunity. This includes independent and grant-aided schools and nurseries.

This law sets out a list of characteristics that have special protection from discrimination, harassment, and victimisation. It is against the law to discriminate against pupils because of the following ‘protected characteristics’:

- disability
- gender reassignment (no changes, medical treatment or assessment need to have taken place for a transgender pupil to be included in this category)
- pregnancy and maternity
- race (skin colour, ethnic origin, cultural background, or nationality)
- religion and belief
- sex
- sexual orientation.

Discrimination includes:

Direct discrimination - treating a pupil less favourably because of a protected characteristic. For example, if a school refused to admit a young person into their school because they are transgender.

Indirect discrimination - where a policy or practice is applied in the same way for every pupil, but it puts pupils with a particular protected characteristic at a disadvantage. For example, a school may have a policy that says that pupils with attendance below a certain level cannot attend school trips. If a pupil has missed school due to time in hospital related to their disability and is not allowed to go on a school trip because of their absence from school, this may be indirect disability discrimination.

It is also against the law to discriminate against a pupil due to the protected characteristics of someone they are associated with, like a family member or friend. The law also protects pupils who people might think have a protected characteristic, whether or not they do.

The Equality Act also puts a duty on local authorities to work towards:

- getting rid of unlawful discrimination, harassment, and victimisation
- advancing equality of opportunity between people who share a protected characteristic, and people who do not
- promoting good relations between people who share a protected characteristic, and people who do not.

This means that schools and nurseries should be actively promoting inclusion of all pupils in all aspects of school life. Schools and nurseries can also take positive action to help particular groups of pupils overcome disadvantages that are linked to a protected characteristic.

Equality for disabled pupils

Disabled pupils have extra protection under the Equality Act.

Schools, nurseries and local authorities have a duty to do what they can to avoid putting disabled pupils at a disadvantage. This is called making 'reasonable adjustments'. Reasonable adjustments can include changes to the way the school or nursery is run on a day to day basis or providing aids or services that help disabled pupils.

The Equality Act does not cover changes to the physical accessibility of schools and nurseries for individual pupils. Instead, local authorities have a duty to plan to improve disabled access in general by having an Accessibility Strategy³.

Find out more in our factsheet on [Disabled pupils and the law](#).

³Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

Wellbeing

Getting It Right For Every Child (GIRFEC)

GIRFEC is a national programme in Scotland that aims to improve the wellbeing of all children and young people by giving them the right help, at the right time, from the right people and in the right place. All services working with children and young people should play their part in promoting, supporting, and safeguarding their wellbeing. People working to support children and young people should ask themselves the following questions:

- What is getting in the way of this child or young person's wellbeing?
- Do I have all the information I need to help this child or young person?
- What can I do now to help this child or young person?
- What can my department do to help this child or young person?
- What additional help, if any, may be needed from others?

There are eight 'wellbeing indicators' (sometimes also called 'SHANARRI indicators') that help explain what wellbeing means:

- Safe
- Healthy
- Achieving
- Nurtured
- Active
- Respected
- Responsible
- Included.

These indicators help everyone working with a child or young person to be consistent in measuring their quality of their life. They can use the indicators to help find out what a child or young person needs so that they can access the right support or advice.

Some children and young people need help from professionals outside school to support their wellbeing. These professionals may decide it would be useful to set up a wellbeing plan for them. Wellbeing plans are called different things in different areas, for example Child's Plans, GIRFMe Plans, and Wellbeing Action and Assessment Plans. They all have the same purpose: to help professionals plan, deliver and co-ordinate support for a child or young person.

When professionals are preparing a wellbeing plan, they should consider the child or young person's needs in relation to each of the wellbeing indicators. They should agree what actions they need to take to support the child or young person. They should use the plan to record:

- the support the child or young person needs
- who is responsible for providing that support
- what each person will do to provide the support
- a timescale for completing any actions.

I am worried about my child

You should speak to your child's class teacher, guidance teacher or key-worker if:

- you feel the school or nursery are not fully including your child
- you feel the school or nursery are not treating your child fairly
- you are worried about your child's wellbeing.

You can ask for a meeting to discuss your concerns and agree on some steps that could be taken to improve things for your child.

If you are still worried after this, speak to the head teacher of your child's school or nursery. Sometimes it can help to put your concerns in writing to them, for example in an email. There are also further things you can do after this, which you can find out more about in our factsheet on [Avoiding and solving problems](#).

Where can I find out more?

Equality Advisory and Support Service www.equalityadvisoryservice.com

Tel: **0808 800 0082**

The Equality Advisory and Support Service provides advice and information on issues related to equality and human rights. As well as their telephone helpline, there is a contact form and online chat available through their website.

Scottish Government information about GIRFEC www.gov.scot/policies/girfec

The Scottish Government's website has lots of information about their Getting It Right For Every Child policy.



How Enquire can help

Enquire can help you understand your child's rights to additional support for learning and how to work in partnership with their school or nursery to make sure your child gets the support they need.

Enquire can:

- explain your child's rights to additional support for learning
- listen to any questions and concerns
- advise you on the way forward
- help you find local education and support services.

You can contact our helpline on **0345 123 2303** or info@enquire.org.uk
Access to interpreters is available.

You can also find lots more information about additional support for learning, including our full range of publications, at www.enquire.org.uk

The information on our website is available in over 100 languages and with a range of accessibility tools, such as text-to-speech.

Reach is our website for children and young people. Reach helps pupils to understand their rights to feel supported, included, listened to and involved in decisions at school: www.reach.scot

Enquire is also a partner in the My Rights, My Say service. My Rights, My Say supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school:
www.myrightsmysay.scot

Enquire factsheet: Inclusion, equality and wellbeing

© Enquire February 2020

Enquire is funded by the Scottish Government and managed by Children in Scotland

