

## **Scottish Education - Legislative and Policy Framework Summary**

Scotland has a wide range of legislation to support inclusion and equality in education. These promote a child centred approach to encourage every child to reach their 'fullest potential'. Our legislation ensures rights and entitlements for children and young people to education, support and wellbeing. There is a range of legislation and educational policies which place duties and expectations on schools and local authorities to ensure that they:

- Deliver an inclusive education
- Support learners to achieve to the best of their ability
- Do not discriminate against those with protected characteristics
- Provide assessments when requested

Children's rights and entitlements are fundamental to Scotland's approach to inclusive education. It is supported by the legislative framework and key policy drivers including, Curriculum for Excellence, the getting it right for every child approach and the Framework for Professional Standards for teachers. These are underpinned by a set of values aligned to social justice and commitment to inclusive education.

### **The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill**

Scotland is set to become the first country in the UK to directly incorporate the UNCRC into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020.

The UNCRC (Incorporation) (Scotland) Bill will make it unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements, giving children, young people and their representatives the power to go to court to enforce their rights.

## **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](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](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>

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

This Act requires education authorities (Responsible bodies) to develop and publish an accessibility strategy covering a 3-year period. This strategy must include setting out how the authority will increase learners'

- access to the curriculum,
- access to the physical environment of schools and
- improve communication with learners with disabilities

[https://www.legislation.gov.uk/asp/2002/12/pdfs/asp\\_20020012\\_en.pdf](https://www.legislation.gov.uk/asp/2002/12/pdfs/asp_20020012_en.pdf)

**Guidance is available for education authorities to support the implementation of the 2002 Act.**

## **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>

## **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](https://education.gov.scot/improvement/Documents/Frameworks_SelfEvaluation/FRWK2_NIHeditHGIOS/FRWK2_HGIOS4.pdf)

### **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/>