



**REPORT TO: CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE ON
26 SEPTEMBER 2018**

**SUBJECT: USE OF ADDITIONAL SUPPORT NEEDS STAFF TO COVER
MAINSTREAM CLASSES**

**BY: ACTING CORPORATE DIRECTOR (EDUCATION AND SOCIAL
CARE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the use of Additional Support Needs (ASN) teachers to cover mainstream classes within Moray schools.
- 1.1 This report is submitted to Committee in terms of Section III D (1) of the Council's Scheme of Administration relating to exercising all the functions of the Council as Education Authority within the terms of relevant legislation with regard to nursery, primary, secondary and further education.

2. RECOMMENDATION

- 2.1 It is recommended that Committee scrutinises and notes the current position with regards to the use of ASN teachers to cover mainstream classes in Moray schools between August 2017 and June 2018.**

3. BACKGROUND

- 3.1 The current teacher staffing crisis has been the subject of previous reports to Children and Young People's Services Committee over the past few years, most recently at a meeting on 27 June 2018 (para 7 of the draft minute refers). The current situation shows no sign of immediate improvement with 30 vacancies being advertised in August 2018 on the first advert of the new term. On top of this, there are many long term temporary arrangements in place to back-fill vacancies, particularly at Head Teacher level and Depute Head Teacher level.
- 3.2 At a meeting of Children and Young People's Services Committee on 27 June 2018, the Acting Corporate Director (Education and Social Care) was asked to report back to Committee on how many days of ASN cover had been used to cover for mainstream classes in schools (para 18 of the draft minute refers).
- 3.3 The Acting Corporate Director (Education and Social Care) contacted all schools and asked how many days of cover had been provided by ASN teachers for mainstream classes for the academic year August 2017 – June 2018. Returns were received from schools and this indicated that no

secondary ASN teachers had been used for cover. However, within Moray primary schools just over 355 days of ASN teacher time was used to cover mainstream classes. There are 190 days in a school year so this is almost 2 school year's worth of teaching time.

3.4 The Education (Additional Support for Learning) (Scotland) Act 2004 provides the legislative framework to ensure those children who require additional support in order to meet their full potential receive that support. It also promotes collaborative working among all those supporting children and young people and sets out parents' rights within the system. There are many reasons why a young person may require additional support for learning in school, such as;

- Motor or sensory impairments
- Bullying
- Being particularly able or talented
- Bereavement
- Interrupted learning
- Learning difficulty
- Parental issues e.g. substance misuse or mental health problems
- Having English as an Additional Language
- Poor school attendance
- Emotional or social difficulties
- Being young carers

3.5 Since 2009, when the 2004 Act was amended, local authorities have seen a significant increase in relation to those young people receiving additional support for learning in schools. This was reported to Children and Young People's Services Committee on 7 June 2017 (para 6 of the minute refers). This clearly articulates the growing demands on the service.

3.6 Within the 30 teacher vacancies advertised in August 2018, 6 of these were for ASN teachers and these posts have become increasingly difficult to fill in recent years.

3.7 ASN teachers are highly skilled and trained practitioners, equipped to provide education to young people with a wide variety of complex needs. Young people in receipt of ASN teaching are entitled to this in line with the legislation which enshrines ASN. There are risks that removing this teacher input may have a detrimental impact on their educational progress.

3.8 Head Teachers have been placed in a very difficult position over the past few years in their efforts to keep schools open and provide a continuity of service in the face of unprecedented shortages. This has resulted in Head Teachers having to redeploy ASN teachers to cover mainstream classes. Had they not done this, then individual classes would have been sent home as there would have been no teacher available in front of the class.

3.9 The figures outlined in paragraph 3.3 above exemplify the extent to which ASN teachers have been used to mask some of the issues the Council has faced in relation to teacher staffing.

4. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
This report links to the priority of “Ambitious and Confident Young People” as referred to in both Moray 2026 and the Council’s Corporate Plan. There are also clear links to the Moray Children’s Services Plan 2017 – 2020.
- (b) **Policy and Legal**
The Council has statutory duties to provide education and also to provide support for young people with Additional Support Needs.
- (c) **Financial Implications**
ASN teachers are funded by the ASN budget rather than by the Devolved School Management (DSM) scheme. If schools notify Finance that ASN teachers have been used to cover mainstream classes, the costs will be coded against the DSM budget rather than the ASN budget.
- The cost of 355 days of teacher time being used for class cover is £85,000 including on costs.
- (d) **Risk Implications**
There are serious risks that should schools continue to use ASN teachers to cover mainstream classes, that the Council will be failing in its duty to provide support for young people with ASN. Certain decisions, alleged failures and information relating to ASN for children and young people for whose education the Council is responsible may be referred to the ASN Tribunal.
- (e) **Staffing Implications**
There are serious teacher shortages across Moray at present and this has resulted in Head Teachers taking the decision to deploy ASN teachers to cover mainstream classes.
- (f) **Property**
There are no property implications arising directly from this report.
- (g) **Equalities/Socio Economic Impact**
ASN teachers provide a significant role in promoting equality of opportunity on the grounds of disability and race. This is one of the general Public Sector Equality Duties under the Equality Act 2010. Using ASN teachers to cover mainstream classes can seriously undermine this duty.
- (h) **Consultations**
Senior Officers in Education and Social Care, Lindsey Stanley, Business Support Manager, Principal Accountant, Margaret Forrest, Legal Services Manager (Litigation and Licensing) Don Toonen, Equal Opportunities Officer and Caroline Howie, Committee Services Officer

have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

5. CONCLUSION

5.1 Committee is asked to scrutinise and note the concerns in relation to ASN teachers being used to cover mainstream classes in Moray primary schools.

Author of Report: Graham Jarvis, Acting Corporate Director, Education and Social Care

Background Papers:

Ref: