



THE DONALDSON TRUST

Response to the Education, Children and Young People
Committee's Call for Views on the *Education (Scotland)*
Bill.

August 2024

About Neurodiversity

Neurodiversity describes the diversity of humans' brains and minds. A person who is, for example, autistic is neurodivergent; they are in a neurological minority, not the neuro-'typical' majority.

Other neurodivergences include: ADHD, dyscalculia, dyspraxia, dyslexia, dysgraphia, misophonia, Tourette's Syndrome, or differences in cognitive function.

About Us

Our work is built on an understanding that neurodiversity is not a medical construct; rather, it lies at the intersection of culture, mind, identity formation, and socio-political action.

The Donaldson Trust envisages a society in which neurodivergent people are understood, accepted, treated fairly, and valued.

Though there is much work to be done, we believe there are genuine opportunities to change society for the better. We aim to be at the forefront of driving that change – and making a difference *with and for* neurodivergent people and their families.

As the *National Body for Neurodiversity*, we will seek to lead by example. We exist to strengthen the public's understanding of neurodiversity, develop excellence in practice, and help neurodivergent people find their voice.

Alongside neurodivergent people and our partners across the third sector and academia, we write, campaign, and persuade in order to shape the policies being made on the issues most important to neurodivergent people and families.

We improve outcomes and representation via *Connect*. Our training and consultancy is accessed by organisations looking to build a culture of neuro-inclusion. We continue to develop our free, online information, support, and guidance resources to neurodivergent people, families, and professionals alongside it.

We continue to support children, young people, and adults through a variety of services based at our Linlithgow campus, where we enable every neurodivergent person to realise their goals & aspirations:

- **Sensational Learning Centre (SLC)**

We offer individualised, skills-based learning to children and young people with 'Additional Support Needs' (ASN) including sensory and communication differences.

A 'Grant-Aided Special School' (GASS), SLC is independent of local government.

- **Vibe**

Our wellbeing service for neurodivergent people ages 12-18, Vibe offers warm, low arousal spaces for neurodivergent young people to thrive and achieve their personal goals. The service focuses on reducing anxiety, developing life skills, literacy, numeracy, and growing self-esteem / resilience.

Vibe's activities mirror the interests and skills of the young people enrolled with a wellbeing framework and personal programme of skills development.

- **Gate**

Donaldson's' skills development and training offer for neurodivergent adults, Gate has been co-designed with those who benefit from it and offers a friendly environment where neurodivergent adults can relax and be themselves. Similar to other services, Gate takes an individualised approach to ensure trainees get the most from their time with us and achieve agreed goals and ambitions.

Trainees can learn skills through activities, or enrol in a vocational and accredited course, delivered by specialist staff / tutors. This includes art, cooking, and cybersecurity.

- **Treehouse**

Treehouse is a specialist wellbeing service offering bespoke, low-arousal environments to improve wellbeing and independence. Support is centred around individual studios, with the 'home-style' settings offering individualised spaces tailored to every person's needs. That allows people we support to participate in activities they co-design alongside their Wellbeing Practitioners.

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Established in the 1850's, The Donaldson Trust (formerly Donaldson's School) has provided supported education and care throughout its history and has now established itself in the neurodivergence space.

The full range of services offered by the Trust is found here:

<https://www.donaldsons.org.uk/>

**Together, we'll
find your voice.**

Overview

The Donaldson Trust is pleased to respond to the Education, Children, and Young People Committee *Call for Views* in relation to the Scottish Government's *Education (Scotland) Bill*. We provide education through a GASS at our Linlithgow campus – and retain an interest in the ongoing reforms of educational governance in Scotland as a result.

Whilst developing this written response, we engaged with educators in the Sensational Learning Centre and Vibe services.

We believe it is essential that the lived experiences of neurodivergent learners are *heard* during this consultative phase and *visible* in all of the structures that emerge from this work over time. While the content of this Bill is centred on issues of governance and accountability somewhat removed from school learners' everyday experiences and engagement with learning, a large number of the proposed reforms will have a real and tangible impact on how we ensure pupils (including those we support) have a meaningful say in the bodies that help to shape their future.

We are broadly supportive of the administrative reforms proposed in the Bill, in principle; however, we remain concerned that insufficient attention has been given to the specific benefits and importance of engaging neurodivergent learners (and others with Additional Support Needs [ASN]) and educators in the governance structures of the three proposed bodies, including the two bodies being established in this legislation.

We know that pupils with ASN – and especially neurodivergent children and young people enrolled at mainstream settings – rarely get the support to which they are entitled. As a result, neurodivergent young people experience some of the poorest outcomes of any group – something well-documented in both governmental and third-sector publications ^{1 2 3}.

Embracing alternative approaches to education is central to our ethos as the National Body for Neurodiversity; harnessing them in support of the young people enrolled at our Grant-Aided Special School and using our services is

¹ 2023, Scottish Government, *Research into Provision for Pupils with Complex Additional Support Needs in Scotland*

² 2023, Scottish Government, *Learning Disabilities, Autism, and Neurodivergence Bill: Consultation*.

³ 2018, Children in Scotland | National Autistic Society Scotland | Scottish Autism, *Not Included, Not Engaged, Not Involved*.

central to our practice. We believe, too, that what is good for neurodivergent people is good for every learner – and that neurodivergent young people, such as those enrolled at our GASS, have a key role in helping to realise equitable systems. It is vital their lived experiences are considered.

Increasing Involvement of Learners / Teachers

The Donaldson Trust supports replacing the *Scottish Qualifications Authority* with *Qualifications Scotland*, as proposed. We are encouraged by the Scottish Government's desire to re-set relations in the sector and recognise teachers' and learners' desire to be more closely engaged with institutions fundamental to their profession and study.

These ambitions will not, however, become a reality because of re-branding; rather, the Scottish Government must lay a framework that enables genuine stakeholder engagement and co-production in legislation. We are pleased this Bill will make moves towards accountability through external stakeholder inclusion not present in the *Education (Scotland) Act 1996*; however, we do not believe the draft Bill is sufficiently clear as to how this will be delivered. The Bill text must include greater clarity on the composition of Qualifications Scotland's Board and Committees.

Contrary to what is stated in Policy Memorandum ⁴ Paragraphs 65 and 68, we do not believe that there is benefit to “*not prescrib[ing] the exact membership and model*” of either Committee. Schedule 1 Part 4 Chapter 1 ⁵, *Committees*, Paragraphs 10 + 11 should be amended to ensure Qualifications Scotland's *Learner Interest* and *Teacher-Practitioner Interest* Committees have representation from neurodivergent people, diagnosed or self-identifying as such. That should be mandatory and in place for the lifespan of the Committees. We do not have a position on how large either of these Committees should end up being; however, and presuming they would comprise no more than twenty members, we believe a quota of four or more members would be an appropriate figure. Alternatively, 20% is an appropriate figure, also.

At least one member of the *Learner Interest* and *Teacher-Practitioner Interest* Committees should be affiliated to a Grant Aided-Special School (GASS), as

⁴ 2024, Scottish Parliament, *Education (Scotland) Bill: Policy Memorandum*.

⁵ 2024, Scottish Parliament, *Education (Scotland) Bill* (as introduced).

a pupil or teacher, respectively. Alternatively, a percentage figure could be applied to ensure appropriate representation.

Additionally, the Bill should ensure that the functions and powers of Committees explicitly established by this legislation when it becomes an Act cannot be superseded by and/or transferred to a Committee(s) that is created at a future date via Chapter 1, Paragraph 9 of the Bill.

Qualifications Scotland's Board is written to have between nine and thirteen members, inclusive of a Chair and two *ex officio* members. We believe that, of the remaining, appointed members, the Bill should require a minimum of three being neurodivergent, either diagnosed or self-identifying as such. The Bill should require that one member of the Board be affiliated to a 'GASS'.

Qualifications Scotland's *Strategic Advisory Council* should include learner and teacher representation. Given this Bill will mirror the provision set out in the 2002 Act – the Council's advising on qualifications, awards offered by the new body; and its functions / procedures – and play a significant role in Qualifications Scotland's direction, it, too, should reflect the change that is happening elsewhere in these reforms. As with the above, we believe a change should be made (to Section 9) to place a Duty on Scottish Ministers to consider if they have delivered sufficient representation of people with Additional Support Needs, ASN, when establishing this Council at a future date in Regulations. In this context, representation can be taken to mean both membership of the Council and the Council's work programmes.

We support the proposal on term length and limits for Board members.

Charters

We support the principle of a 'Charter' acting as a foundational document for the new body's relationship to learners and educators; however, we are concerned that it could lack impact in practice due to a lack of clear legal enforceability⁶. This being said, we are encouraged that the Scottish Government has made a written commitment to co-production of these two documents, as detailed in Sections 76-78 of the Policy Memorandum.

Section 12, Paragraph 2 of the Bill could be amended to reduce the time between reviews of the Charter from five to three years.

⁶ 2024, SPICe, *Education (Scotland) Bill Briefing*, p.21.

Sections 10 + 11 should be amended such that it is made explicit that the respective Committees author and consult on their respective Charter. Responsibility for oversight of the Charters and reporting on progress made in implementing their provisions should fall to the respective Committees. A requirement should be placed on each of these Committees to consult directly with (a) Grant-Aided Special Schools, and (b) young people with an IEP and/or CSP, as a part of the engagement set out in Paragraph 4 of these two Sections, in addition to groups stated in the sub-paragraphs.

Inspection

The Donaldson Trust engages with inspectors in connection to our GASS and various registered social care services. These are done in conjunction with Education Scotland and Care Inspectorate, respectively.

When engaging colleagues (with experience of inspection across a range of settings) whilst preparing this response, it was clear that they recognised how external inspections had a role in maintaining the quality of provision; however, there were some concerns over *how* these inspections were carried out. There was hope that a system 'refresh' would enable the kind of changes necessary in education, particularly as they relate to neurodivergent people and services accessed.

For example, colleagues noted the potential distress that unannounced inspection could cause to neurodivergent learners, especially where an inspection had reason to disrupt the pattern of their daily learning. A feedback session with learners done on a 1:1 basis, too, could be anxiety-inducing, especially without prior notice to prepare.

The need for accessible reporting was mentioned in feedback we received. An inspection report needs to be something easily-read by a range of stakeholders: learners, parents, carers, funders, medical professionals, etc. Reports should be visible online and available in writing.

Overall, there was a desire for every inspection process, and the bodies conducting them, to be receptive to the social-communicatory differences of all involved.

Other Comments

The inclusion of learners with Additional Support Needs, especially learners with social-communicatory 'barriers' to learning, is an absolute necessity. As

well as being the ‘right thing to do’, neurodivergent inclusion in education becomes all the more important as the number of children and young people diagnosed and/or identifying with neurodevelopmental differences continues to grow significantly. For instance, there are now 30,179 autistic children and young people attending publicly-funded schools in Scotland, according to Scottish Government statistics. This tallies to over 4% of the overall school population ⁷. In a similar vein, the same data shows that 36.7% of pupils in Scotland have at least one Additional Support Need.

While we realise the focus of this consultation is on the structure of education in Scotland and not on pupils’ specific experiences of education, we believe it is important to provide an outline of why there is a need to embed neuro-inclusive policy and practice from the ‘top-down’. Neurodivergent pupils (especially those enrolled in a mainstream setting and who have social-communicatory differences that are ‘barriers’ to learning) experience some of the worst outcomes of any group.

We know that a pupil *with* an Additional Support Need is five times more likely to be excluded from class than a pupil *without* ⁸. The Scottish Government’s own data – which is certainly an under-estimate once ‘informal’ exclusion is factored in – shows the rate of recorded exclusions sits at 35 per 1,000 pupils for those with ASN ⁹. Exclusions disrupt learning and cause a great deal of distress for the neurodivergent pupils – and wider families – who are subjected to them.

Similarly, we know part-time timetables are being used incorrectly and for reasons other than the benefit of the young person’s education or a reflection of their wishes. Though we recognise that there are occasions where part-time timetables could be beneficial for the wellbeing neurodivergent pupils, it is obvious (from anecdotal accounts) that they are being overused to cover for a lack of resource in mainstream settings.

We are disappointed that average spend per pupil (by local authorities) on their Additional Support for Learning (ASL) provision fell by 33.9% in the last decade – £5,698 in 2013 to £3,764 ¹⁰. Though we recognise the overall figure

⁷ 2024, Scottish Government, *Pupil Census 2023: Supplementary Statistics*.

⁸ 2023, Scottish Government, *Summary Statistics for Schools in Scotland*.

⁹ *ibid.*

¹⁰ 2024, [healthandcare.scot](https://www.healthandcare.scot)

has risen to almost 1bn£, we do not think the investment reflects the major increase in need over this period.

Overall, substantive changes are necessary if we are to tackle high levels of unnecessary exclusions and part-time timetabling. The Scottish Government and the new body established in wider reform to influence education standards in Scotland should set tackling over-/mis-use of part-time timetabling and (in particular, informal) exclusions as their urgent priority.

Finally, we would urge the Scottish Government to continue progressing – contrary to the media speculation ¹¹ of recent months – sensible reform to school-age learning and assessment, as proposed in Professor Louise Hayward’s 2023 Review ¹², *It’s Our Future: Report on the Independent Review of Qualifications and Assessment*. The impact that personalised, skills-based approaches to classroom learning (especially for neurodivergent people) can have on development is significant. We believe that Professor Hayward’s reforms can help to realise that kind of change across the sector and instil a more appropriate balance between learning and examination.

¹¹ 2024, *The Herald*, [Jenny Gilruth questions Hayward recommendations for reform](#).

¹² 2023, Scottish Government, [It’s Our Future](#).



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