



**SCOTTISH EXECUTIVE**

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Education Department  
Pupil Support and Inclusion Division

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Circular No 4/2002

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Your ref:

Our ref: P 003/011

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Dear Sir or Madam

## **LENGTH OF SCHOOL WEEK: PUPILS IN SPECIAL SCHOOLS AND UNITS**

1. This circular has been written to assist education authorities in considering and reviewing their policies relating to the length of the school week for pupils in special schools and units.

### **Statutory position**

2. The Schools General (Scotland) Regulations 1975, as amended, require schools under education authority management in Scotland to be open for 190 days per year. They do not define, however, the length of the school week for pupils, which is a matter for the discretion of education authorities within their responsibility for the day-to-day organisation of schools. There is, however, a widely accepted norm of 25 hours and 27.5 hours for primary schools and secondary schools, respectively.

3. The length of the school week for pupils in many special schools is shorter than in equivalent mainstream schools. From data obtained from the September 2000 School Census, the school week in many special schools was between 20 and 22.5 hours per week. Through inspections, HM Inspectorate of Education (HMIE) confirms that it is often the case that secondary pupils in special schools follow a 22.5 hour week, which is five hours shorter than that in mainstream secondary schools.

## **Teachers : hours of work**

4. The agreement *A Teaching Profession for the 21<sup>st</sup> Century*, provided for the introduction of a 35-hour week for *all* teachers from 1 August 2001. As part of this process it is intended that from August 2006, at the earliest, the contractual obligations of teachers will be expressed in relation solely to a 35-hour week, within which a maximum of 22.5 hours will be devoted to class contact. Implementation of this guidance should take account of the agreement *A Teaching Profession for the 21<sup>st</sup> Century* and any subsequent work for the phased introduction of the working week. The Scottish Negotiating Committee for Teachers will have a key role in determining when the objective conditions are in place to move to the final contractual arrangements.

## **Background**

5. The Riddell Advisory Committee which reported on the education of children with severe low incidence disabilities considered the arguments commonly used to support the shorter week in special schools and concluded that there were no convincing reasons for this practice to continue. The Committee recognised that in those authorities where there are no special schools, and where pupils attend units attached to mainstream schools, then the special unit week is generally aligned with that of the mainstream school. In addition, pupils from special schools on placements in Further Education colleges or work experience proved themselves well able to cope with a longer day. Riddell recommended that education authorities should review the implications of bringing the length of the school week in special schools and units into line with that in mainstream provision. It also recommended that the Scottish Executive should issue advice to education authorities, in consultation with COSLA and other interests, to the effect that the length of the school week in special schools and units should be similar to that in mainstream primary and secondary schools. In responses to consultation, parents, education authorities and professional bodies were generally supportive of this recommendation. The Committee's recommendations have been accepted by Scottish Ministers.

6. In considering the length of the school week in special schools and units, the Riddell Committee was aware of reports of inspections carried out by HM Inspectors, which noted that, in special schools and units operating the shorter school week, the curriculum for secondary pupils, in particular, was constrained by the time available for teaching. Where this occurred, the Inspectors' report typically contained a main point for action requiring the school and authority to take steps to bring the length of the school week into line with that found in mainstream schools. As a result, some education authorities have already taken action to address this. There are a number of benefits of moving to the standard week. It will enable all pupils to be provided with a better curriculum structure in terms of the breadth of curriculum offered and also in the opportunities for spending more time on particular programmes of study. Secondary pupils will have better opportunities for obtaining National Qualifications. The standard week also makes it easier to arrange for pupils in special schools and units to attend mainstream schools for particular courses, where this is judged appropriate. The standard school week is fully consistent with the principle of inclusion.

7. HM Inspectors have found no convincing educational arguments for a shorter school week. They have found that pupils' standards of education, and employment opportunities, would improve were the special schools and units to operate the standard length of school week. Pupils would also be better prepared to make the transition to further education and employment because they would have experience of coping with a longer week.

8. The principle of equity in terms of the length of the school week is further reinforced by Section 2 of the Standards in Scotland's Schools etc. Act 2000. This Section places a new duty on education authorities to ensure that the education they provide is "directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential".

9. In addition, education authorities should be aware of new duties for the schools sector in relation to access to education which will come into force in September 2002 under the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001). The new duties will apply to disabled pupils and prospective disabled pupils, in mainstream schools, and special schools and units. The new duties will make it unlawful to discriminate, without justification, against disabled pupils in all aspects of school life (including pre-school education in schools and nursery schools). A Code of Practice (Schools) will be issued before the new duties come into effect. Education authorities should have regard to the Code in considering how to avoid unlawful discrimination against disabled pupils and disabled prospective pupils, and in particular, how the length of the school week provided at its special schools and units sits in the context of these new duties.

### **Policy aim**

10. **As a general principle, Scottish Ministers regard it as unacceptable that pupils in special schools and units have a shorter school week than those pupils of the same age attending mainstream schools. They wish education authorities to review their practice in this regard.**

11. The intention is to ensure that education for all pupils is provided on an equitable basis. It is based on the general principle that there is no justification for pupils with special educational needs in special schools or units to receive less teaching than their mainstream counterparts. The guidance aims to introduce a greater element of flexibility in the length of the school week than currently exists because at present pupils in special schools and units who are capable of benefiting from the mainstream school week are often denied it. The focus must be on meeting pupils' needs and giving every pupil the opportunity to benefit from mainstream school hours unless, exceptionally, this would not be in the pupil's best interest.

12. Scottish Ministers accept that there is a need for flexibility in these arrangements and that, where appropriate, special account may need to be taken of the circumstances of individual pupils. The starting point should always be the needs of the pupil and these should determine what organisational structures are required to be in place to ensure that these needs are met. Some pupils may be unable to cope with the mainstream week and a shorter school day may continue to best meet their needs. There will be circumstances in which although the school week is shorter than that in mainstream schools, the actual teaching time may be equivalent because activities that are carried out at break times, lunchtimes, or in some cases, in the evenings, can count legitimately as teaching time. These exceptions are considered below.

#### Pupils for whom the mainstream school hours may be too demanding

13. Pupils in this category could include those who are under 5, or who have significant health/medical needs or, in exceptional cases, who already have a long school week because of travelling arrangements and because of personal circumstances are not able to cope with the normal school day. These pupils require the school day to be tailored to their individual circumstances. However decisions about time in school should be made in the light of discussions with the pupils (where appropriate), parents and school, and these exceptions should apply only when it is clear that the individual pupil's interests are best served by having a shorter school week. The exceptions must not be used to the detriment of those children who would benefit from a longer school week. It would be expected that the shorter school week for these pupils would be negotiated on an individual pupil by pupil basis. **Only in exceptional circumstances would it apply to whole schools or units.** Scottish Ministers are convinced that most pupils in special schools and units will benefit from the longer school week.

#### Pupils who are following the mainstream school week, when breaks, lunch times or evening activities are included as class contact time

14. There will be some circumstances where pupils are essentially following the mainstream school week because breaks, lunch times or evening activities are included as class contact and teaching time. In these circumstances teachers' planning would make clear references to teaching being carried out during these times. There would be references to teaching approaches being used and expected learning outcomes would be stated. It would be expected that pupils' progress would be evaluated.

15. Most commonly, the schools and units where all this would occur would be those for children with complex learning difficulties where feeding, dressing and toileting programmes are implemented at these times; those for pupils with significant social, emotional and behavioural difficulties where there are social skills programmes in operation; and some schools and units for pupils with autistic spectrum disorders where pupils are also following particular communication programmes. Likewise, some schools, and these are most likely to be residential secondary special schools, may have evening activities which can legitimately count as teaching time. For example, the pupils may be taking National Qualifications during these times.

16. Activities which take place outwith classrooms can only count as legitimate teaching time where activities are planned, and staff (and, where appropriate, pupils) are clear about the intended learning outcomes, and staff monitor and evaluate these. Where there is no formal instruction or monitoring of progress it is not appropriate to include activities outwith classrooms as teaching time. The place of these planned activities in the pupils' overall curriculum will be indicated clearly.

### **Timetable for introduction**

17. In line with the recommendations of the Riddell Committee, education authorities should already have taken steps to review and assess the implications involved in bringing the length of the school week in special schools and units in line with that in mainstream provision.

18. As a result of consultation, Scottish Ministers acknowledge that there is a need for flexibility in implementation and to allow adequate time for planning and consultation. Scottish Ministers therefore, expect all education authorities to have, where appropriate, parity of school hours with equivalent mainstream provision **by August 2003** at the latest. However authorities should implement parity of school hours for all pupils earlier than this wherever possible. In addition, as noted in paragraph 9, education authorities should be aware of their forthcoming duties under the Disability Discrimination Act 1995 (as amended).

**Yours faithfully**



**JOAN FRASER**

### **Queries:**

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