

Recommendations for the role of learning and support assistants in inclusive education

1. Introduction

The UK and the European Union have ratified the United Nations Convention on the Rights of Persons with Disabilities (UN–CRPD), which says that State Parties must ensure an inclusive education system at all levels (Article 24, para. 1). All children and young people rely on teachers and non-teaching staff to enable their learning and participation in school. For disabled children and young people, non-teaching staff (learning support assistants, teaching assistants or similar) play a vital role in enabling them to successfully engage in every aspect of compulsory and post compulsory education.

2. Aim

Improving Assistance in Inclusive Educational Settings (IMAS) is a one-year project, running from November 2016 to November 2017, funded by the Erasmus+ Programme of the European Union. The project focuses on the education of disabled children and young people in Europe and aims to establish a common framework for scrutinising how assistance is organised in schools and understanding, if not improving, its contribution to inclusive education for disabled children and young people. In exploring and possibly restructuring assistance in schools, education systems will transform in ways which uphold the rights of disabled children and young people, as these are stated in the UN Convention on the Rights of Persons with Disabilities. In doing so, education systems will move away from contexts where, in the name of inclusion, the main educator for some children has no teaching qualification, little job security, low status in school hierarchies and is amongst the lowest paid of school staff.

This paper is based on the analysis of 5 national systems for offering assistance services in Austria, Slovakia, Bulgaria, Portugal and the UK. The following recommendations are organised around 12 dimensions of designing systems of assistance services and are intended to help decision makers in politics and administration to further develop assistance services in schools in Europe in general and in the UK in particular.

3. Terminology in this document

For ease of reference the following terminology is used throughout this document:

- The word **“pupils”** refers to children and young people up to the age of 25, who are in some form of education.
- The word **“school”** refers to any educational setting.
- The universal recommendations refer to **“persons with disabilities”**, in line with the UN-CRPD terminology; the UK-specific recommendations refer to **“disabled people”**, in line with terminology recommended by UK disabled people’s organisations.



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4. Recommendations

Dimension	Link to UN- CRPD	Universal recommendations	Additional UK-specific recommendations
Legal framework	<p>General Comment no.4, Section V, para.62 States parties, at every level, must implement or introduce legislation based on the human rights model of disability that fully complies with article 24.</p> <p>General Comment no.4, Section V, para.63 A comprehensive and coordinated legislative and policy framework for inclusive education must be introduced (...) Key elements will include: (...) The clear statement, in all legislation with the potential to have an impact on inclusive education, that inclusion is a concrete goal;</p>	<ul style="list-style-type: none"> • Law for assistance services in schools A strong and clear legal framework is needed at local, national and EU level, which is consistent with the UN Convention on the Rights of Persons with Disabilities (UN-CRPD). This should define the role of assistance services (performance description) within an inclusive educational system and clearly articulate the necessity to establish and maintain assistance services throughout all levels of education, from preschool to university. Laws need to: a) clarify the right of children and young people with disabilities to inclusive education; and b) describe how this should be done. 	<p>The Children and Families Act 2014 and revised Code of Practice do not convey the commitment to inclusive education articulated in Article 24 of the UN Convention on the Rights of Persons with Disabilities (UN-CRPD). The 2001 statutory guidance on Inclusive Schooling can be updated and reinstated, to ensure schools respond to diversity in ways that are consistent with the UN-CRPD and with their statutory duties under the Equality Act 2010.</p> <p>The Equality and Human Rights Commission (EHRC) in its 2012 report “Out in the open: Tackling disability related harassment – a manifesto for change” recommended that primary research is needed on the impact of segregated education on attitudes to disabled people. This is still outstanding.</p>
Financial Framework of the service	<p>General Comment no.4, Introduction, para.4 Barriers that impede access to inclusive education for persons with</p>	<ul style="list-style-type: none"> • Funds available Resources for assistance services, whether from federal, local or regional budgets, have to be available so that 	

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	<p>disabilities can be attributed to multiple factors, including:</p> <p>(f) Inappropriate and inadequate funding mechanisms to provide incentives and reasonable accommodations for the inclusion of students with disabilities, interministerial coordination, support and sustainability;</p> <p>General Comment no.4, Section V, para.63 (f)</p> <p>The introduction of comprehensive quality standards for inclusive education and disability-inclusive monitoring mechanisms to track progress in implementation at all levels and ensure that policies and programmes are implemented and backed by the requisite investment;</p> <p>General Comment no.4, Section V, para.69</p> <p>States parties must commit sufficient financial and human resources throughout the development of an education sector plan and of cross-sectoral plans to support the</p>	<p>every pupil who needs assistance in every school has equal access to the service.</p> <ul style="list-style-type: none"> • Funds for all Every school needs dedicated resources for supporting the learning and development of all pupils in school. • Additional funds for some If pupils need assistance which is different from and additional to what is ordinarily provided for all pupils, adequate funds should be available for this too. <ul style="list-style-type: none"> ○ Assessment independent of provision The amount and type of resources should be decided by an independent institution, not by the provider of the support service, on the basis of clear and binding statutory guidance. ○ Timeframe Such decisions should be taken within a timeframe consistent with statutory guidance, or emergency procedures put in place until a considered position is reached. • Remuneration of assistants In determining remuneration, special 	<p>This is already in place in the UK</p> <p>This too is in place in principle, though it is not clear how it works in practice in all areas.</p>
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	<p>implementation of inclusive education, consistent with the principle of progressive realization.</p> <p>General Comment no.4, Section V, para.70</p> <p>The Committee urges States parties to transfer resources from segregated to inclusive environments.</p>	<p>consideration should be given to <i>all</i> duties of assistants: the main focus is working with children but additional time should be allocated for preparation, supervision, liaison with other staff, participation at relevant meetings, etc.</p>	
<p>Organization and Administration of the service</p>	<p>Article 33 para.1</p> <p>States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.</p> <p>General Comment no.4, Introduction, para.4</p> <p>Barriers that impede access to inclusive education for persons with</p>	<ul style="list-style-type: none"> • External monitoring Independent monitoring boards (e.g. a local arbitration committee) should be in place with a remit to investigate concerns that the right of an individual pupil to fully participate in school life is threatened or breached. Such boards should be local and education-specific, with the power to mediate between conflicting positions. Parents, teachers, assistants and pupils can appeal to these boards for help. The members of such boards should represent the relevant stakeholders of inclusive educational systems (parents, teachers, assistants, persons with disabilities etc.) • Who is the employer? Consideration should be given on 	<p>The Special Educational Needs and Disability (SEND) Tribunal fulfils some of these functions, although shorter timeframes around disability discrimination claims would be preferable.</p> <p>There is no evidence to suggest that a system</p>

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	<p>disabilities can be attributed to multiple factors, including: (g) Lack of legal remedies and mechanisms to claim redress for violations.</p> <p>General Comment no.4, Section V, para.65 States parties must introduce independent, effective, accessible, transparent, safe and enforceable complaints mechanisms and legal remedies in cases of violations of the right to education.</p> <p>General Comment no.4, Introduction, para.7 States parties must consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies.</p>	<p>whether assistants are appointed directly by the school or by an external agency. Benefits of assistants being appointed by an organization outside of school (e.g. employed by a social service provider or the municipality) include: maintaining the independence of the service and allowing assistants to advocate for every pupil's right to participate in every aspect of school life. In this case, a clarification of responsibilities between the employer (e.g. social service provider) and school is needed. The alternative, of assistants being employed directly by the school, may bring the benefit of a stronger and more cohesive staff community.</p> <ul style="list-style-type: none"> • Recruitment Because of the close and often intimate relationship between assistants and pupils, parents and pupils should be involved in the process of recruiting assistants. 	<p>where assistants are employed by an organisation other than the school would have better outcomes in the UK, but there is no evidence to the contrary either and it may be of benefit to explore this suggestion. There could be merit in a half-way point, where schools appoint some assistants and can also draw from a pool of others employed by the local authority or other organisation.</p>
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<p>Cooperation of the assistant with other staff</p>		<ul style="list-style-type: none"> <p>Full participation</p> <p>Assistants should be seen by everyone as an integral part of the school community. They should be included in all school activities and all relevant communication processes between pupils, parents, teachers, external and internal supporters etc.</p> <p>Assistants should be integrated in the class community; they should all work together as a team with one another, with teachers, pupils and their families. Everyone according to their role is equally important.</p> <p>Position in school hierarchy</p> <p>In cases where it is felt that upholding a pupil's individual right to participate in every aspect of school life comes into conflict with the way teaching and learning are organized in the school, it is important that the pupil's voice, and that of its allies and advocates, is heard. That is why the position of assistants within the hierarchy of a school should allow them to help the school address this balance. At the same time it is very important that the collaboration and cooperation of school teaching and non-</p> 	
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		<p>teaching staff (especially assistants of pupils with disabilities) is well established, regardless of the job contract or employment model of assistants.</p> <p>Assistants should be part of the school community and should be involved in the decision making process for relevant issues of school life.</p>	
Target group of the assistants	<p>Article 24 para.5 States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.</p>	<ul style="list-style-type: none"> • Assistance for 100% of pupils Assistants should work with pupils from 0-25 years: from early intervention to finishing University. Assistants should see themselves responsible for all individuals in class according to their needs, not only for those already identified as having special needs e.g. immigrants, talents etc. 	
Qualifications	<p>General Comment no.4, Section II, para.12 The core features of inclusive education are: (...) (d) Supported teachers: all teachers and other staff receive the education</p>	<ul style="list-style-type: none"> • At European level Recommendations for qualification standards according to European Qualification Framework (EQF) criteria should be defined at European level. These should refer to the established 	

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	<p>and training they need to give them the core values and competencies to accommodate inclusive learning environments, which include teachers with disabilities. An inclusive culture provides an accessible and supportive environment that encourages working through collaboration, interaction and problem-solving</p>	<p>legal framework (see above).</p> <ul style="list-style-type: none"> • At national level Every country should set up standards for the qualification of assistants, which should be consistent with the European Union recommendations when available. Countries should also ensure that professional development for active and future staff is available and affordable. • At individual level The educational system has to offer a vocational education and training and continuous professional development for assistants. Assistants should be encouraged and enabled to get the qualification needed. 	<p>Professional Standards for Teaching Assistants should be provided by the DfE. Existing standards are non-mandatory and non-statutory, published independently of the DfE.</p>
<p>Aims and tasks</p>	<p>Article 24 para.2d Persons with disabilities receive the support required, within the general education system, to facilitate their effective education</p>	<p>The aims and tasks of assistants should be in accordance with the relevant qualification standards in each country as well as with the assistants' legal status.</p> <ul style="list-style-type: none"> • pedagogical/learning <ul style="list-style-type: none"> ○ educational support with tasks in class, ideally according to individual learning plans ○ focus on learning support rather than on task-completion 	

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	<p>Article 24 para.2e Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.</p> <p>General Comment no.4, Section II, para.16 For article 24 (1) (b) to be implemented, education should be directed to the development of the personality, talents and creativity of persons with disabilities, as well as of their mental, physical and</p>	<ul style="list-style-type: none"> ○ execute the tasks set up by the teacher in the lessons plan ○ developing resources in cooperation with teachers <ul style="list-style-type: none"> ● personal assistance <ul style="list-style-type: none"> ○ medical support ○ hygiene support ○ safety and orientation support ○ feeding support ○ emotional regulation ○ personal programmes in cooperation with therapists ● social/emotional development <ul style="list-style-type: none"> ○ supporting independence ○ enabling/structuring social allies ○ interaction to make and keep friends ○ graduated approaches to facilitate playing interaction ○ anti-bullying ○ establishing the pupil's position as a valued member of the school community ● advocacy <ul style="list-style-type: none"> ○ being an ally ○ encouraging other pupils to act as 	
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	communicational abilities, to their fullest potential.	<ul style="list-style-type: none"> ○ supporting the pupil to advocate for themselves 	
Access to information		<ul style="list-style-type: none"> ● For the school community Schools should proactively inform the school community about every aspect of diversity, including different types of impairments, inclusive approaches and the work of assistants. ● For assistants Assistants should have access to all information relevant to educational, personal and social issues about pupils in class, and treat this as confidential as appropriate. 	
Roles and responsibilities	<p>General Comment no.4, Section V, para.63(d)</p> <p>A guarantee for students with and without disabilities to the same right to access inclusive learning opportunities within the general education system and, for individual learners, to the necessary support services at all levels;</p>	<ul style="list-style-type: none"> ● Support for all Assistants in every school should be enabled to work in an autonomous and flexible way, according to the needs of the school community in general and of every pupil in particular. This guarantees that the character of the assistance service can develop in relation to the development of each pupil (e.g. from direct support at the beginning to enabling social interaction through working with all pupils later). 	

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		<p>The distribution of resources within a school should be set up in a collaborative process where all stakeholders (parents, pupils, teachers, assistants) are able to have their voice heard.</p> <ul style="list-style-type: none"> • Breadth of responsibility Assistants should support all activities offered or organized by schools, including leisure activities. The responsibilities of the assistants should be legally regulated and in accordance with their qualification. • Distribution of responsibility Overall responsibility for pupils' learning remains with their teacher at all times. 	<p>The SEND Code of Practice confirms that teachers are responsible and accountable for the progress and development of the pupils in their class; anecdotal evidence suggests that this responsibility continues to be shared with teaching assistants in some schools.</p>
<p>Support for assistants</p>		<ul style="list-style-type: none"> • Professional support Assistants should be supported by all parties involved – at their place of work and from the employer (if different). Professionalization of the job also means that constructive systems of appraisal need to be in place, e.g. supervision, coaching, critical friends, reflection, monitoring talks. 	



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<p>Conditions of employment</p>		<ul style="list-style-type: none"> • Enabling the employer Adequate funds need to be provided so that employers can develop clear and effective business models for the recruitment and retention of assistants. In this way employers can establish long term labor relations with the employees and can offer professional development and career progression. • Enabling the assistants Assistants should have stable working conditions and job security with contracts of employment according to national employment laws. The salary of assistants should be relevant to their legal status, their qualification profile, and their duties and responsibilities. • Enabling the pupils Long term relationships between assistants and the class communities they are responsible for should be sought and established, also at times of transition. 	
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<p>Profile of workforce</p>		<ul style="list-style-type: none"> • Diversity of workforce Those offering training and employment for school assistants need to strengthen their efforts to attract more assistants from diverse backgrounds reflecting their local communities. More persons with disabilities as well as other groups at risk by exclusion (e.g. roma people) should be encouraged to work as assistants. The gender and age ratio of the staff also should be balanced as far as possible. 	<p>Diversity in today's Britain is not currently reflected in the diversity among assistants in schools. Latest figures on the diversity of the workforce in England (SFR 25/2017, published on 22 June 2017) suggest that 91.4% of teaching assistants are female and 86% are White British. No information is available on the number or proportion of assistants who are disabled.</p>
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4. Conclusion

Assistance systems play a key role in establishing an inclusive educational system. On the one hand assistants contribute to the learning and development of **all** pupils in schools and on the other they help to uphold the individual right of all disabled children and young people to fully participate in their school community. The following issues are of vital significance:

1. The goal of inclusive education should be firmly set in law.
2. Funding needs to be available to schools, to enable them to respond to the full diversity of children and young people.
3. Relevant training and continued professional development should be offered to all assistants.
4. Job descriptions for assistants should make it clear that they are required to support children's learning as well as their social and emotional development, and should clarify that planning, preparation and liaison with teachers and other professionals are included in their contractual duties.
5. Assistants should be recognised for the importance of their contribution to disabled children's learning and development; this should be reflected in their remuneration and status in school.

