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Additional Support for Learning inquiry



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Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry and redress falling within the responsibility of the Deputy First Minister.



ecyp.committee@parliament.scot



0131 348 5976

Committee Membership



Convener
Sue Webber
Scottish Conservative
and Unionist Party



Deputy Convener
Ruth Maguire
Scottish National Party



Stephanie Callaghan
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Ross Greer
Scottish Green Party



Liam Kerr
Scottish Conservative
and Unionist Party



Bill Kidd
Scottish National Party



Ben Macpherson
Scottish National Party



Willie Rennie
Scottish Liberal
Democrats



Michelle Thomson
Scottish National Party

Introduction

1. The Committee launched this inquiry to consider how the 2004 Act is working in practice and to look at how successful the implementation of the presumption of mainstreaming, as introduced by the [Standards in Scotland's Schools etc. Act 2000](#) (the 2000 Act) has been. This inquiry can be considered as post legislative scrutiny of both those Acts.
2. The Committee was aware of concerns around the very low number of Co-ordinated Support Plans being put in place and was also keen to explore what a presumption of mainstreaming meant in practice for pupils with complex needs, as well as examining the mechanisms pupils and parents and carers can use to challenge decisions around the provision (or lack of provision) of additional support.
3. According to the latest Scottish Government figures, in 2023, 37% of all pupils (259,036 individuals) had an additional support need (ASN). This is 2.8 percentage points higher than 2022 when 34.2% of pupils had an additional support need. ¹
4. This inquiry focused on the following themes—
 - the implementation of the presumption of mainstreaming
 - the impact of COVID-19 on additional support for learning
 - the use of remedies as set out in the 2004 Act
5. The Committee issued a call for views based on these themes and received 590 responses to the English language version of the call for views, 29 responses to the British Sign Language version and one response to the easy read version. Many of the responses were from individuals with personal experience of ASL provision and a summary of responses was produced by SPICe and published on the [website](#). ²
6. The Committee took evidence from witnesses during five evidence sessions at its meetings on [21 February 2024](#); [28 February 2024](#); [6 March 2024](#); [13 March 2024](#); and [20 March 2024](#). A list of the additional written evidence that was submitted following these sessions is provided in the annexe to this report.
7. In advance of launching the inquiry, the Committee wrote to all local authorities across Scotland seeking a response to a number of questions. Responses were received from 25 local authorities, which are published on the [website](#).
8. The Scottish Parliament's Information Centre (SPICe) produced a [summary of these responses](#), which includes a list of those who responded, outlining the main themes emerging from the responses. This included the following—
 - In the main, local authorities thought that support for additional support needs (ASN) is working well in both mainstream and specialist settings;
 - There is both an increase in the numbers of pupils with ASN and an increase in complex needs;
 - Mainstreaming is considered a positive in the delivery of ASL, however

resourcing was seen as a challenge including the availability and retention of specialist staff;

- The importance of supporting good relationships with families and pupils; and
- The importance of training for teaching and support staff.

9. The Committee was keen to speak with people with personal experience of additional support for learning to hear directly of the issues they faced and any areas where more could be done to support them. The Committee met with young people, Inclusion Ambassadors, parents and carers and teachers at informal participation sessions on 19 February 2024 and 4 March 2024. Notes of the discussions from these engagement activities are provided in the annexe to this report and published on the [website](#).
10. The Committee would like to thank everyone who participated in this inquiry, in particular, those with personal experience of using the current additional support needs legislation in Scotland. The discussions it held and the evidence it received helped shape this inquiry and the Committee's recommendations to the Scottish Government. It should be noted that throughout this inquiry, many of the issues related to each theme, particularly the first two themes, overlapped and this report reflects this overlap.
11. The Committee welcomes the commitment from the Cabinet Secretary for Education and Skills to "learn from the Committee's output and use that learning to inform that process." ³

Background

Legislative landscape

12. The Education (Additional Support for Learning) (Scotland) Bill 2004 was passed by the Scottish Parliament in April 2004. The main provisions of the resulting [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#) (the 2004 Act) came into force on various dates from May 2004. The 2004 Act was subsequently amended by the [Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#) and the [Education \(Scotland\) Act 2016](#). The 2009 Act allowed parents and carers of children with additional support needs (ASN) to make out of area placing requests. These included those with co-ordinated support plans (CSPs) and placed a presumption that a child in care has ASN (i.e. a local authority would have to determine whether the child does not have ASN). The 2016 Act clarified the provisions around determining when a child has the capacity to make their own decisions.
13. As set out in the [Explanatory Notes](#) to the 2004 Act, the Act introduced the legal framework for the provision of additional support for learning. It replaced the system for assessment and recording of children and young people with special educational needs with a new system for identifying and addressing the additional support needs of children and young people who face a barrier to learning. It placed duties on education authorities in Scotland, local authorities for the purposes of the Act, and required other bodies and organisations to help. In providing school education, local authorities are required to identify and then make adequate and efficient provision for the additional support needs of children and young people.
14. Under the Act, parents and carers can request a local authority to establish whether their child has ASN and whether they require a CSP. A CSP must be prepared for those with enduring complex or multiple needs that require support from outwith education services. The plan focuses on supporting the child to achieve learning outcomes and assists the co-ordination of services from a range of providers. Additional Support Needs Tribunals were also established to hear appeals relating to co-ordinated support plans. The Act provides that mediation services must be made available to assist in dealing with disagreements between parents and carers and local authorities or schools and authorities may be required to put in place arrangements for dispute resolution.
15. The Act also defines what is meant by the term “additional support needs” and describes its context. The need for additional support is related to the ability to benefit from school education. Support is considered as additional if it is provision that is different in some way from that generally provided for children of the same age in pre-school centres and schools.
16. Section 15 of the [Standards in Scotland’s Schools etc. Act 2000 Act](#) (the 2000 Act) states that education authorities will provide school education to all pupils “in a school other than a special school” unless one (or more) of the following circumstances arises—
 - (a) would not be suited to the ability or aptitude of the child;

- (b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
 - (c) would result in unreasonable public expenditure being incurred which would not ordinarily be incurred.
17. The 2000 Act says that “it shall be presumed that those circumstances arise only exceptionally”. If one of the circumstances listed above is true, the education authority may provide education to child in mainstream education, but it “shall not do so without taking into account the views of the child and of the child’s parents in that regard”.
18. The 2000 Act applies to all children for whom the education authority is providing school education. The policy intention as set out in the [Explanatory Notes](#) was to “strengthen the rights of children with special educational needs to be included alongside their peers in mainstream schools.”
19. In 2019, the Scottish Government published [guidance](#) on the presumption to provide education in a mainstream setting. This guidance says that mainstreaming “must be delivered within an inclusive approach.”
20. The Scottish Government also published statutory guidance on the 2004 Act which was updated in 2017, often referred to as the [Code of Practice](#). The Code of Practice states that it should be read alongside other legislation and policy where appropriate such as the [Curriculum for Excellence](#), [Getting it right for every child](#), [Developing the Young Workforce, Hall 4](#) and the [Universal Health Visiting Pathway](#).

Morgan Review

21. In 2020, the Scottish Government published Angela Morgan’s [review of the implementation of additional support for learning](#) (The Morgan Review), which is a key document in this policy area. The Morgan Review was intended to explore how ASL works in practice, across early learning and childcare centres, primary, secondary and special schools (including enhanced provision, services and units).
22. The Review highlighted the importance of public services working collaboratively with parents and carers who advocate for support for their children. The remit of the Review made clear that it excluded consideration of the principle of presumption of mainstreaming and the sufficiency of resources.
23. The Review set out the following four key conditions for delivery—
- Values driven leadership;
 - An open and robust culture of communication, support and challenge – underpinned by trust, respect and positive relationships;
 - Resource alignment, including time for communication and planning processes; and
 - Methodology for delivery of knowledge learning and practice development,

which incorporates time for coaching, mentoring, reflection and embedding into practice.

24. The Scottish Government and COSLA accepted all the recommendations of the review and the Scottish Government published an ASL Action Plan which set out how the recommendations would be taken forward.
25. The [Additional Support for Learning Project Board](#) was set up to “support the monitoring of implementation and oversee delivery of additional support for learning and inclusion policy, including through delivery of the [Additional Support for Learning \(ASL\) Action Plan](#) (updated November 2022) and its associated workstreams.”

Getting it right for every child (GIRFEC)

26. GIRFEC is intended to provide all children, young people and their families with the right support at the right time in order that every child and young person in Scotland can reach their full potential. It provides a “consistent framework and shared language for promoting, supporting, and safeguarding the wellbeing of all children and young people.” It is intended to use an ecological model which says that child development “is influenced by the relationships they have with their parents, then by school and community environment, then by wider society and culture.”⁴
27. GIRFEC is intended to support different services to work together to support the child and their family. GIRFEC principles will inform schools’ considerations of how to support a child or young person. This may be support provided only by the school or by other statutory or third sector services. Schools may also use GIRFEC planning mechanisms – normally a Child’s Plan – although other plans may be used instead or in addition to a Child’s Plan.

Personal experience

28. At the outset of this inquiry, the Committee was keen to hear directly from those with personal experience of how the 2004 Act was working in practice and how the presumption of mainstreaming was being implemented. The voices of those children and young people, their parents and carers and teachers involved in providing ASL were uppermost in the Committee's mind when taking evidence from stakeholders. As many witnesses and respondents to the call for views said, it is imperative that the children and young people are put at the heart of this inquiry and that issues which have been raised throughout the inquiry are addressed.
29. Many responses to the call for views contained details of negative personal experiences, including parents and carers having to "fight" to get support for their child and some disturbing accounts of the impact on children and young people with ASN's health and mental wellbeing.
30. In many written responses, the Committee heard of the anger and frustration that parents and carers are experiencing in trying to get what they feel is the best support for their child. The Committee also heard from teachers who felt they are being left to struggle with a lack of support and time to allow them to do their job.
31. Concerns were raised around a lack of inclusion and the distinction was made between pupils being present in a mainstream setting and them receiving an inclusive education. Aberlour said that families have commonly highlighted experiences of "isolation, lack of inclusion and inequality."⁵
32. The Committee was fortunate to hear directly from the Inclusion Ambassadors, who were supported by Children in Scotland, on how it feels when their school gets their support right. The Inclusion Ambassadors is a group of secondary school-aged pupils who each have a range of additional support needs and attend a variety of school provision. The group was established to ensure the views of young people with additional support needs are heard in discussions about education policy.
33. The Inclusion Ambassadors spoke openly of their experience of being a pupil with additional support needs, including what works and what could be done to make things better. They told the Committee that pupils feel really good when the support provided is correct and suits their needs; however, it can be hard to understand when someone does not give them the support they need. They highlighted that it does not work well when there are not enough support staff to cope with the number of pupils who need support which can lead to pupils feeling frustrated. Some of the comments included⁶ —
 - It makes you feel special when teachers and staff check in with you to see if you are ok
 - Teachers are very kind and understand when you are upset which makes me feel supported and happy
 - It is important that teachers take time to ask you what you need rather than assuming what you need as sometimes your needs are not obvious

- It is really good when all staff make a connection and you have a relationship with all staff, not just support staff
34. However, when the Committee spoke with parents and carers, the picture was very different. The Committee heard of the difficulties experienced by parents and carers in getting the correct support for their child including long delays in diagnosis and access to support services such as mental health services and speech and language therapy. Parents and carers spoke of not being listened to particularly where they felt that the presumption of mainstreaming was not meeting the needs of their child. Comments included ⁷ —
- Children were commonly left on their own without support, outside of the classroom. Others raised concerns about part-time timetables and informal exclusions.
 - One parent spoke of their child who could not attend the mainstream school due to their additional support needs and, despite being happy in a specialist school 1 day a week, they were still not being referred to a full-time specialist school so this decision was being appealed.
 - Parents said that local authorities making an assessment of their parenting skills could sometimes delay their children's ASN needs being met. For example, some said they were told they must attend a parenting programme before assessments for their child's neurodiversity could be considered.
35. They made the point that not all pupils can attend a mainstream school and this should be better understood by schools and local authorities. They said the presumption of mainstreaming means the presumption of a right to mainstream school; however it was increasingly being interpreted as a presumption that all children are capable of attending a mainstream school without the appropriate accommodations needed for each individual child. They argued that when the needs of a pupil are not being met in a mainstream school it can be a very negative and damaging experience for that pupil and for the parents and carers witnessing this. ⁷
36. When the Committee spoke to teachers, the picture painted was also very concerning. They spoke of a significant decline in support resources for pupils with ASN and a huge increase in the number of pupils with ASN in mainstream classes since the presumption of mainstreaming was introduced. ⁸
37. The Committee heard of numerous cases where parents and carers had to fight for their children to receive the support they needed. One parent said ⁹ —
- ” It is unhelpful where schools do not listen to parents on what additional support needs are required, or where a request is made to place the child in a specialist school.
38. Vivienne Sutherland representing Fife Council said that, although this was a theme which emerged from the Morgan Review, from her experience, she did not feel that all families needed to battle and that when working with families, in the vast majority of cases things can be resolved before reaching a crisis point. ¹⁰

39. Dr Lynne Binnie representing the Association of Directors of Education in Scotland (ADES) echoed this point and said in the majority of cases, local authorities listen to concerns from parents and carers and try to resolve their concerns as early as possible. She said ¹¹ —

” Of course, a small number of parents and carers do not feel that their concerns are listened to, and local authorities have in place a number of staged interventions that parents can access to have their concerns raised. In my experience, when listening to some of the complaints and tribunal cases that come over my desk day to day, what is often at the heart of the issue is a breakdown in communication and relationships.

40. Jenny Gilruth, Cabinet Secretary for Education and Skills (the Cabinet Secretary) acknowledged that, in the 20 years since the 2004 Act was passed, the experiences of young people and their families have not progressed in the way and at the pace they should have. ¹² She said ¹³ —

” Parents often feel that they have to fight against the system to get their voices heard and their young person diagnosed, and that does not reflect the intention behind the 2004 act.

41. The Committee is grateful to the Inclusion Ambassadors for sharing their views and experiences in education.

42. The Committee values the work being done by Children in Scotland on positive inclusion experiences.

43. The Committee recognises that where systems need to improve it is as important to understand where things are working as well as where there are challenges and, as such, recommends the Scottish Government continues to fund this work.

44. The Committee was extremely concerned by what it heard regarding the negative personal experiences of ASN provision, the implementation of presumption of mainstreaming and the detrimental impact this has had on some pupils with ASN, their parents and carers and teachers and support staff. The Committee commends the work done by teachers and support staff in providing support for pupils with ASN but was concerned to hear of the pressures they faced, leaving them feeling overwhelmed and 'burnt out'.

45. The Committee notes that ASN-related issues between families and the local authority can often be resolved at an early stage. However, it is clear that there are still many occasions where disputes are protracted. Parents and carers describe themselves as “fighting” for the right resources to be put in place for their children. Work carried out by our predecessor Committee in Session 5 suggested similar outcomes, indicating that significant issues in relation to meeting pupils’ ASN needs remain. The Committee finds this wholly unacceptable and it should not be allowed to continue.

46. The Committee considers the issues raised by witnesses and respondents to the call for views must be addressed as a matter of urgency to ensure the effective inclusion and appropriate support provision for all pupils with ASN in Scotland's

schools. This report sets out the Committee's recommendations on how these issues can be addressed.

The implementation of the presumption of mainstreaming

47. In 2019, the Scottish Government published [guidance](#) on the presumption to provide education in a mainstream setting. This guidance says that mainstreaming “must be delivered within an inclusive approach.” The guidance reiterates the “four key features of inclusion” which are—

- Present
- Participating
- Achieving
- Supported

Principle of the presumption of mainstreaming

48. The overwhelming view both in written and oral evidence was that the principle of the presumption of mainstreaming is laudable and should be supported. However, concerns were raised around the implementation of this policy and the barriers faced in practice when mainstreaming was in place. The Committee heard that this has led to many pupils not being included in a meaningful way.

49. Matthew Cavanagh representing Scottish Secondary Teachers Association (SSTA), on social inclusion being one of the intended benefits of the presumption, said ¹⁴ —

” Improving learning through diverse provision for our young people is a massive part of the benefits that can happen through schools. Having young people learning together across society, learning about one another and about themselves within that society, remains a common goal that we must pursue.

50. In written evidence, ¹⁵ the majority of organisations said that the presumption of mainstream education was correct one on a moral and philosophical level. However, often respondents including the Commission on School Reform ¹⁶ (CSR), Govan Law Centre ¹⁷, UNISON Scotland ¹⁸ and AHDS ¹⁹ suggested that there was a gap between policy intention and delivery.

51. One parent’s submission said ²⁰ —

” The presumption of mainstreaming is a wise one as this means less segregation and more acceptance of those with additional learning needs not only in school but beyond.

52. The parent continued to say however that in practice there had not been enough support for their child and that due to lack of funding and lack of classroom support, their child can only attend school for half days.

53. The Children and Young People’s Commissioner Scotland (CYPCS) stated that the presumption of mainstreaming was a positive step towards delivering on

international human rights treaty obligations and creating a more inclusive education system. However, she said ²¹ —

” Disabled children and young people and children with additional support needs continue to be unfairly subjected to practices that impact negatively on their education, as well as their personal and social development. Because their needs are not being met, they are not always able to access a full curriculum, experiencing part time timetabling and informal school exclusion practices.

54. A number of respondents, including parents and carers, said that while in support of the presumption, it should be acknowledged that being educated in a mainstream setting is not appropriate for all pupils with ASN. Salvesen Mindroom Centre commented ²² —

” The presumption can add positively to the creation of an inclusive school community, where difference is fully accepted: this brings benefits for all of the children in school. The presumption has meant that families do not have to fight for the inclusion of their child in the catchment school, or parental choice school. The converse is also true, however - where children and families find the local mainstream school cannot provide adequate support it is more of a struggle to make the argument for specialist provision, even where this is clearly in the best interests of the child.

55. Govan Law Centre made the point that, while efforts should be made to ensure that a mainstream environment is inclusive for all children, there are occasions where this is not the best option for the pupil. It commented ²³ —

” There is a distinct gap in terms of how the presumption of mainstream model marries itself with children who are neurodivergent with a significant sensory profile and are unable to engage in a mainstream environment. Too often, we have seen the fruits of presumption of mainstream meaning that a child is on the face of it accessing a mainstream school but the reality is they are accessing a separate space alone for a significant portion of their education. This concerns us from both a wellbeing perspective and an inclusion perspective.

56. Moray Council went further saying that presumption of mainstreaming does not work for the majority of pupils with ASN or with no identified need. ²⁴

57. This point was echoed by Aberlour who said “mainstream settings can provide positive and meaningful learning experiences for children who require additional support. However, in our experience this is the exception rather than the rule.” It said that good practice is when there is “effective partnership working between schools and third sector services supporting the child and their family” and where there is the necessary investment to “to deliver additional capacity to focus on children and families’ wider needs”. ²⁵

58. The Tribunal commented on the interpretation of the 2000 Act’s provision that the circumstances where a presumption of mainstreaming should apply only exceptionally. It said that the exceptions in the 2000 Act “are tightly defined already, and another overall test seems misplaced ... it is not clear how to apply the exceptionality requirement.” Overall, the Tribunal argued ²⁶ —

” An inclusive education for those who have additional support needs would be best served by the removal of a bias in favour of a particular type of education. A bias of this type is the reverse of an inclusive approach.

59. Suzi Martin, representing National Autistic Society Scotland (NASS) referred to the vision set out in the Scottish Government's Action plan where "school is a place where children and young people learn, socialise and become prepared for life beyond school". She highlighted that, although the plan was welcomed, progress had been slow and had not created the change required saying ²⁷ —

” We see continually that autistic children and young people are forced to “fail” in mainstream settings before any other option or support is offered, and families are still forced to fight the system to get that support, with many being forced into legal action and having to engage a solicitor before a solution is found.

60. She suggested the following three areas for improvement—

- The school environment
- Training
- Specialist provision within the mainstream setting ²⁷

61. Enquire said the key factors in determining the success of a pupil's school placement are not necessarily whether it is a mainstream or specialist provision, but rather it is whether "the child feels truly included, listened to and supported." ²⁸

62. The Committee was alarmed to hear there was strong evidence to suggest that the majority of ASN pupils are not having their needs met.

63. The Committee agrees with the policy intention behind the 2000 Act's presumption of mainstreaming. However, the gap between the policy intention and how this has been implemented in practice is intolerable.

64. The Scottish Government, working alongside Education Scotland and COSLA, should act as a matter of urgency to address the issues highlighted via this inquiry to ensure that all pupils with ASN can enjoy their right to an education and have a positive experience at school. The Committee recommends that all those responsible for the delivery of education in Scotland should, at pace, outline how they will address this with clear action points and timelines.

65. The Committee was concerned about the practice highlighted by the Tribunal, where the use of the exceptional circumstances with regards to placements in mainstream are confused and not always working well. The Committee recommends that the Scottish Government, working with Education Scotland, ADES and COSLA, should review the implementation of the grounds on which a request to be placed outwith mainstream are being used.

Identification of needs, diagnosis and support

66. As set out in the Code of Practice, the 2004 Act requires that the education authority "must make adequate and efficient provision for such additional support as is required by each child or young person with additional support needs, for whose school education the authority are responsible." ²⁹ There is no requirement in the 2004 Act that a diagnosis must be made before support is provided.
67. Many individual responses to the call for views from parents and carers spoke of long delays in recognising and providing additional support needed for their child. They expressed frustration at the processes involved in identifying and diagnosing ASN. For example, one parent said ³⁰ —
- ” My child's additional support needs were not recognised nor identified for over 5 years despite numerous requests to the mainstream school to assess and support my child. Before a formal diagnosis no reasonable adjustments were put in place. ... I asked for my child to be referred to Speech and Language – they didn't do it despite saying they would. ... It took 10 months to get them to do this. I asked for an OT referral on a number of occasions. ... Every support my child has, has been due to a fight to get school to do anything. They have never offered support or made a suggestion of any support they could do. It is a constant battle, every day.
68. Long delays in the identification of needs and diagnosis for pupils with ASN was also raised by a number of educators and teaching unions. One educator commented ³¹ —
- ” Some children come into school with a formal diagnosis in place and in most cases some support is provided particularly if the child is a flight risk, aggressive or has a range of conditions requiring personal support. However, I have also seen children who are diagnosed as ASD get very little extra support because they are amiable and not deemed a risk or at risk. Where a child starts school with no diagnosis, it can take a long time (about 3 years) to get a formal diagnosis made. Where I work provision/support will still be given to undiagnosed children if they are struggling in the mainstream setting.
69. The EIS stated that the delays between referral, diagnosis and post diagnostic support is caused in part by the shortage in Child and Adolescent Mental Health Service (CAMHS) and Educational Psychology Services and that this is unhelpful to the child or young person, their family and teachers and school staff. ³²
70. Salvesen Mindroom Centre argued that it was contrary to the ASL Act that in some cases education authorities are waiting for formal diagnoses before putting support in place. ³³
71. Mike Corbett representing NASUWT also spoke of the misconception that a diagnosis is required before support can be provided saying ³⁴ —

” ...there is a perception among many parents and carers that having a diagnosis impacts on the level of support that a child or young person can access. In other words, there is a perception among many parents and carers that getting a label somehow brings more funding and more support.

72. Vivienne Sutherland, representing Fife Council, also argued that it is not necessary to have a diagnosis in order to access support and that support will be put in place when a need is identified. She explained that the council would support parents and carers in seeking a diagnosis but reiterated the fact that support would be provided without this. She said ³⁵ —

” Some parents are very keen on diagnosis because it helps them to understand their child’s difficulty. That is great, and we will support them along that pathway. Some parents are very resistant to diagnosis because they do not want their child to be labelled. We are also fine with that and will support the parents and the child through their journey regardless.

73. Susan Quinn, representing the Educational Institute of Scotland (EIS), reiterated the point that even if no diagnosis has been confirmed, staff still provide support for pupils; ³⁶ however Peter Bain, representing School Leaders Scotland (SLS) made the point that local authorities will focus resources into ensuring that those who have a diagnosis are supported as outlined by the medical professionals. ³⁷

74. Dr Binnie however made the point that, although schools will provide support without a diagnosis, this is not always the case for partner agencies, who will require a diagnosis in order for people to access specific post-school services. ³⁵

Masking

75. A guide produced by Enquire and the National Autistic Implementation Team, a practitioner researcher partnership based at Queen Margaret University and funded by the Scottish Government, explains that masking is where a person covers up natural feelings, preferences and reactions to the world around them. It explains that masking can be tiring and can affect a person’s wellbeing and that not all autistic children will be aware that they are masking. ³⁸

76. A number of written responses referred to difficulties associated with masking and how it affected children’s mental wellbeing and made it difficult for schools to see there were additional support needs not being addressed. Some responses spoke of a lack of understanding of the issues surrounding masking. A psychologist working in CAMHS spoke of the difficulty in providing support where masking is a feature. She stated ³⁹ —

” This means schools are being asked to provide support on the basis of need not diagnosis which is in line with GIRFEC but can be difficult for those families where able children are masking their difficulties in school and appear not to need help there but then manifest significant emotional and behavioural issues at home, impacting both child and parent mental health.

77. Parents and carers raised the issue of masking as a concern causing delays in diagnosis. They suggested that with neurodivergent pupils, girls were often better at

masking than boys resulting in greater delays in diagnosis for girls.⁷

78. May Dunsmuir, president of the First-tier Tribunal for Scotland, highlighted that masking was a common feature of tribunal hearings where there are two completely different pictures from the parties' perspectives. She commented⁴⁰ —

” Masking, which is a very common theme in our cases that involve neurodivergent children, is when a child puts in so much effort to be who they think they are supposed to be in school that, when they get home to their safe environment, the cost is enormous...We see a great deal more evidence of masking—it is almost common now.

79. She highlighted that the disruptive effect of masking when pupils return home to a safe place from school affects the relationship between the parent and the child and called for a better understanding of the issue saying⁴¹ —

” I know that a better understanding of masking is called for, because we are learning that from our cases and because we have been taught by experts that there needs to be better understanding of what masking is.

80. Chloe Minto representing Govan Law Centre said that masking was a central feature in almost every tribunal case it deals with and argued that education authorities need to take more responsibility in this area. She explained⁴² —

” We have questions about why the child is so different at home from the way that they are in school. Why are they stimming at home and not in school? What is the root cause of that? Not enough questions are being asked about that by the education system, which leaves parents feeling very failed.

81. Dr Binnie commented that schools are becoming more aware of masking and are trying to understand more about pupils' lives outwith school in order to try and help with adaptations which could help reduce distress at home.⁴³ Kerry Drinnan representing Falkirk Council, also spoke of the support schools can provide for pupils who mask, such as building in a break before the pupil goes home to allow time for deregulation and offering advice and support to parents and carers. She emphasised the importance of listening to parents and carers who say their child is masking.⁴⁴

82. The Committee notes that there is no requirement under the 2004 Act for a diagnosis to be made before the local authority can provide support to a pupil with ASN; however, the Committee has been told that this is often a requirement when seeking support from other agencies.

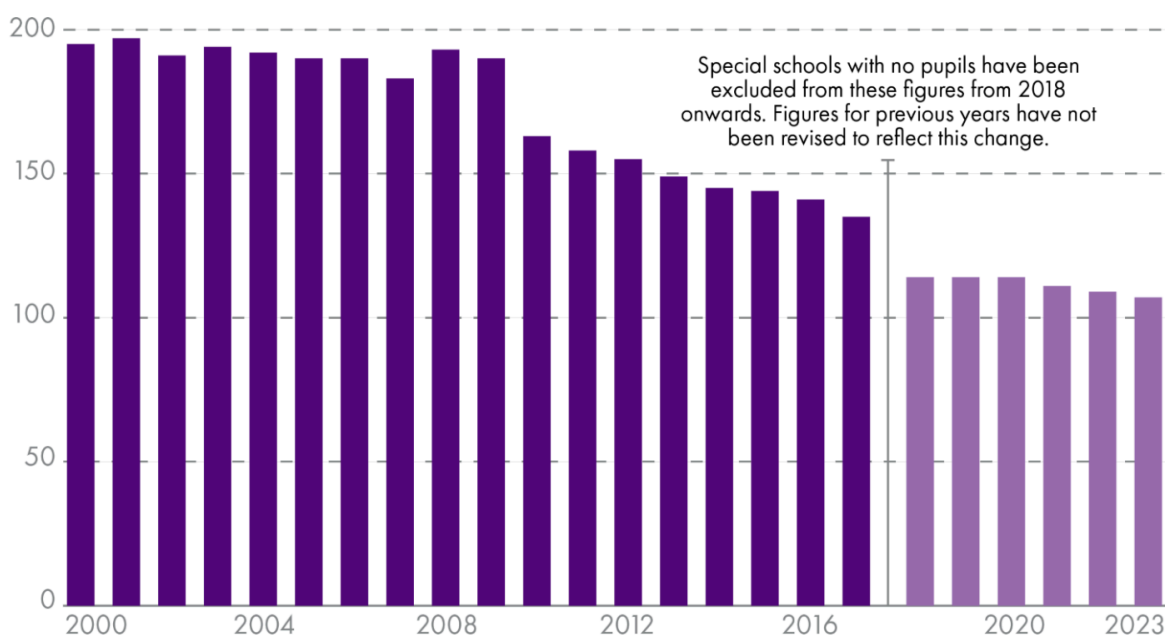
83. The Committee was saddened to hear of the difficulties experienced by parents and carers in getting the correct support for their child and the misconception that a formal diagnosis was not only desirable, but necessary in order to obtain support. The Committee recommends that the Scottish Government provides clarity in the Code of Practice on how support should be provided to pupils with ASN whether or not they have a formal diagnosis, including from agencies other than education.

84. The Committee notes the concerning evidence it heard in relation to neurodivergent pupils masking at school and believes that more must be done to understand its prevalence and the effect it is having on pupils' school and home lives, in particular the impact on parents and carers and the ability for their children to obtain appropriate support.
85. The Committee recommends that the Scottish Government and COSLA undertake targeted research to understand the impacts of masking more fully and that the findings of this should be incorporated into the Scottish Government's updated Code of Practice.

Special schools, units and support

86. The Scottish Government Pupil Census 2023⁴⁵ states that the total school roll across primary, secondary and special sectors in 2023 was around 706,000. Around 1.7% of pupils are reported as spending no time in mainstream classes. 36.7% of all pupils in 2023 had at least one identified additional support need. A small number of special school pupils spend part of the time in mainstream classes. In the secondary sector, the number of pupils with an identified additional support need who spend part of the time in mainstream settings has increased substantially since 2016: from 1,603 to 5,661 in 2023. There has also been a large increase in the number of secondary pupils spending no time in mainstream classes in that period: from 668 in 2016 to 2,739 in 2023. The charts below show the number of special schools⁴⁶ in Scotland and the number of pupils who spend none of their time in mainstream classes.

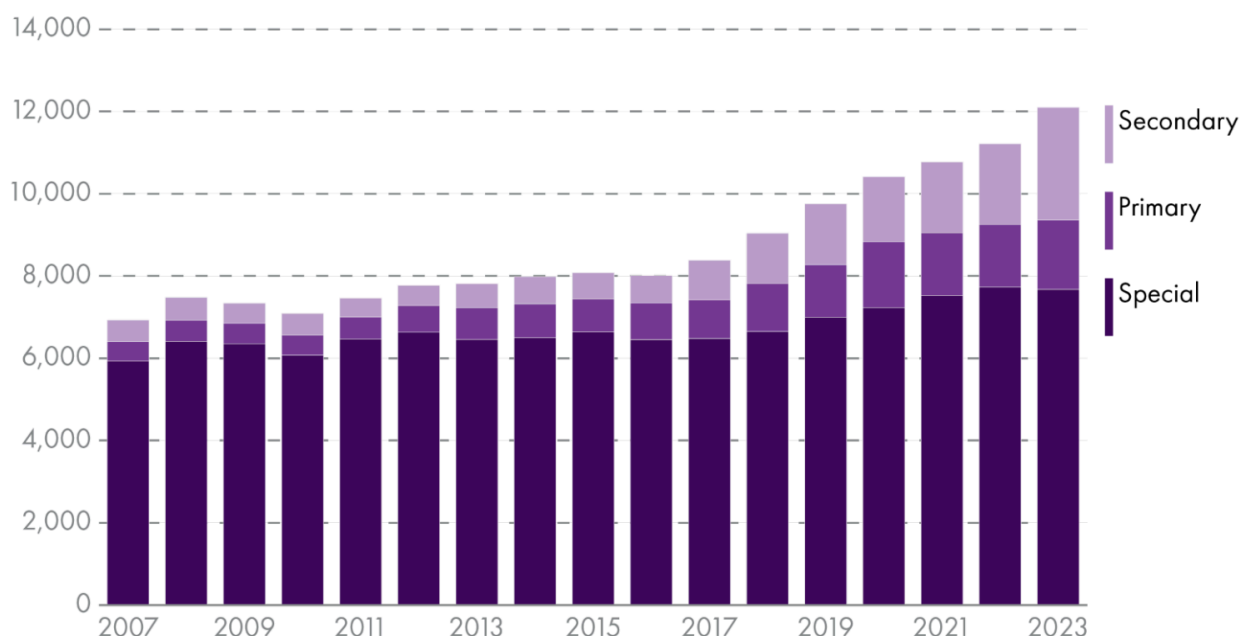
Special Schools in Scotland



Scottish Government (2024), *Pupil census supplementary statistics 2023*, <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

Source:

Pupils who spend no time in mainstream classes, by sector



Source: Scottish Government (2024), *Pupil census supplementary statistics 2023*, <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

87. The Code of Practice section on school years states that all children and young people are entitled to receive the support they need to become successful learners, confident individuals, responsible citizens and effective contributors. It states ⁴⁷ —

- ” Where difficulties persist, a progressive process of assessment and support will inform next steps in learning. Consultation with parents and the child or young person, support staff and agencies outwith the school may be necessary. Additional support may be given within or outwith a classroom or mainstream school context. For example, some children may benefit from attending a specialist unit within the school on a full or part-time basis. Others may benefit from provision in a special school or a shared placement between schools. Others may benefit from attending a health, social work or voluntary agency facility.
88. The Committee considered the role played by specialist settings in the presumption of mainstreaming and the criteria for deciding when a specialist setting is appropriate or whether specialist support within a mainstream setting is more appropriate.
89. Salvesen Mindroom Centre set out some of the positives and negatives of specialist schools or units. It said that some positives included: the daily routine and structure better suited some pupils; small groups and 1-to-1 support is more likely; and that there appears to be better access to health professionals for those settings. Some negatives identified included: options for post-school transitions; high staff turnover and absence; and lack of a consistent national curriculum.³³
90. Enquire made the point that “many still see a hard line between ‘mainstream’ and ‘specialist’ provision, and the presumption of mainstreaming legislation seems set up with this clear division in mind. In reality, this has become more and more blurred.” ASL units, bases or hubs in mainstream schools are now more common.⁴⁸
91. Susan Quinn highlighted that the needs in relation to specialist provision have become more complex and more challenging to address. She said⁴⁹ —
- ” Children who, historically, would have attended a complex needs school are now attending an additional support needs establishment, and those children who would have attended an additional support needs establishment are now attending a mainstream school, alongside those young people whose needs we would have expected to be addressed through the presumption of mainstreaming. In other words, there is still a level of tiering, which we would have expected the presumption of mainstreaming to address.
92. Deborah Best, representing Differabled Scotland, quoted one of the parents from her organisation who said some pupils fall between mainstreaming education and specialist placement education saying⁵⁰ —
- ” The first of the young people who were thrust into mainstream education were allowed to fail due to inconsistency or lack of support, especially in the early years, despite strong evidence of need and promises of support. It seems that it is now almost a requirement that a child must first fail badly before they are seriously considered for a specialist placement.
93. Chloe Minto also made the point that the legislation does not allow for split placements to be applied for. She said⁵¹ —

- ” If you are looking for a place for your child in a mainstream school for half the time and a special school for the other half, the legislation does not allow parents to do that and have the remedy of the tribunal placing request process. You can try to get that through a coordinated support plan.

Specialist support within mainstream settings

94. Section 23 of the 2004 Act provides that education authorities may seek assistance from other agencies (e.g. a local health board) in supporting pupils with ASN; examples of this could be speech and language therapy or occupational therapy. The other agency must comply with this request unless the request is “incompatible with its own statutory or other duties, or unduly prejudices the discharge of any of its functions”.
95. The Committee heard that access to a range of services outwith education has diminished over time and that services are often delivered within schools by school staff without appropriate back-up and support. Access to specialist services such as CAHMS and the length of waiting lists was regularly mentioned by many respondents to the call for views. Enable highlighted concern among parents and carers about the continuity and consistency of support and lack of access to specialist teaching support. It stated ⁵² —
- ” Many young people continue to face long waiting times not only to services such as CAMHS but also for support such as speech and language therapy. There continues to be a need for increased and more timely access to these important supports which are vital for the wellbeing of the pupil and inclusion in their educational setting.
96. David Mackay, representing Children in Scotland, made the point that there is not always a consistent approach to the operation of ASL hubs within mainstream school settings and that this can lead to confusion for parents and carers who are not always aware of the available provision within mainstream schools. Marie Harrison, also representing Children in Scotland agreed telling the Committee ⁵¹ —
- ” We quite often hear that parents have made a placing request for a mainstream school that has an ASL hub attached to it, because they feel that that will give their child the chance to do mainstream but get support from the ASL provision. However, that is not how it works. A placing request often has to be for the ASL provision. On top of that, there are learning hubs that are not necessarily ASL provision. Parents sometimes think that they can make a placing request for those, but they are readily available for all children.
97. A number of respondents to the call for views commented that the pressure on certain services such as CAMHS had increased since the pandemic. Cyrenians suggested that the service is now at “breaking point” and reported that “many families have said their children have been waiting for over 2 years to receive an assessment.” ⁵³
98. An individual response from a psychologist working in CAMHS said ³⁹ —

” The pandemic has led to a huge increase in the demand for neurodevelopmental assessments in CAMHS in Lothian. This far outstrips the capacity of the service to meet that demand, as there have also been significant increases in demand for mental health treatment, particularly for eating disorders which has to be the service priority where there isn't enough capacity to cover all needs. Consequently waiting times are 3 years approximately in Lothian at present.

99. The Royal College of Speech and Language Therapists (RCSLT) agreed: "The clearest indicator of the impact of the pandemic on meeting the communication needs of children and young people has been the increased waiting times for speech and language therapy." ⁵⁴
100. A number of respondents to the call for views spoke of the challenges in recruitment of pupil support workers, teachers and other specialist staff which had an impact on providing additional support for pupils.
101. Kerry Drinnan highlighted how the council adopted a multi-agency approach for pupils with ASN which had reduced waiting times and increased the expertise of school staff. She explained that they have clusters where a high school and all its associated primaries has a named person in an agency to go to and the council has ASN advisers who each have two clusters which they support. She stated ⁵⁵ —

” We have a model in which we have a service level agreement with our allied health professionals for speech and language services and physiotherapy. We have named clinicians who are mapped to each cluster, who are there as a first point of call. If a school needs advice, it has a named person whom it can contact immediately, as do the families. We also extend that to educational psychology.

102. Vivienne Sutherland also spoke of the multi-agency approach adopted by Fife Council and highlighted the difficulties for schools in streamlining referral paperwork for pupils with ASN as it involves multiple referrals for multiple services. ⁵⁶

Special schools

103. The statutory definition of a “special school” includes either a school or “any class or other unit forming part of a public school which is not itself a special school” but is especially suited to the additional support needs of pupils. The Enquire/My Rights My Say joint submission noted the interpretation section of the 2004 Act, which includes ASL units as part of the definition of a special school. This can lead to complexity when considering the legal position around, for example, placing requests.
104. The EIS argued that special schools and special units have an important and valuable role to play in more appropriately meeting the needs of pupils for whom mainstream provision may not be a suitable setting. It said that both mainstream and specialist provision must be adequately resourced if they are to be effective. ⁵⁷
105. The EIS noted that there has been a reduction of special schools in recent years,

from 141 settings in 2016 to 109 in 2022. It said that some of its branches have⁵⁸

—

” highlighted the impact which the reduction in the number of special schools and support-based units in mainstream settings is having on the delivery of inclusive education for children and young people who are now having to spend significant periods of time in mainstream without the support they were previously getting.

106. In written evidence, a number of individual parents and carers expressed frustration at the reluctance to provide specialist education provision, despite the parents and carers believing this would be the best option for their child. One parent/carers told the Committee⁵⁹ —

” In our area there is no special school. Therefore no choice for parents. My daughter absolutely meets the criteria for a special school and we feel let down completely that this isn't even an option for us.

107. Sylvia Haughney representing Unison Scotland echoed this point. She told the Committee that, although some parents or carers are happy to have their child in a mainstream school, where this is not the case and the parent or carer believes the child will be better suited to a specialist school then this can be very difficult. She said⁶⁰ —

” They absolutely have to involve their local MP and go to their health visitor and their general practitioner to try to get their child where they need to be. That is only the parents who know that they have a voice. The parents who know that they have a voice will get their children into the ASN establishments, but those establishments are then full to capacity, so there is nowhere for children to go other than a co-located unit within a mainstream school where staff are not trained in the complex needs of the children who come to them.

108. Researchers from the University of Glasgow Researcher Project: *Exploring the Inequalities and Diversities in Disabled Young Adult Transitions* said that for participants in their research "most experiences of exclusively specialist settings were positive ... specialist environments meant smaller classrooms and a quieter, more customised educational experience."⁶¹ Aberlour also said commented that "environmental needs can often best be met for children with additional learning needs within specialist provision."⁶²

109. The Committee heard that specialist provision will always be required for those pupils with the most complex disabilities and medical conditions with children surviving certain medical conditions and living into adulthood, where in the past this was not possible.

110. Matthew Cavanagh argued there was a lack of specialist support in general mainstream secondary schools and highlighted the increase in the number of pupils with emotionally based school non-attendance. He said¹⁴ —

” It is important to remember that specialist provisions, such as the one that I work in, have staff who work with partners every day and who have greater ability to meet the needs of individual pupils, whom they know better. In a mainstream secondary school, primary school or nursery there is not the ability to provide support to that extent, but that is the strength of settings outside the mainstream. Sadly, that is one of the unexpected consequences of the presumption of mainstreaming.

Placement requests

111. As set out in the Code of Practice, the 2004 Act enables parents and carers to make a placing request for their child to attend a school managed by an education authority, other than the authority for the area in which the child lives.⁶³
112. Local authorities can refuse placing requests from pupils with ASN on a number of grounds as set out in [schedule 2 of the 2004 Act](#).
113. As noted above, Enquire said that the interpretation section of the 2004 Act includes ASL units as part of the definition of a special school which can lead to complexity when considering the legal position around placing requests.⁴⁸
114. The Health and Education Chamber of the First-tier Tribunal for Scotland (the Tribunal) considers (among other things) placing requests for specialist schools or units. The Tribunal commented on the legislation which it must interpret when making decisions in relation to placing requests. It said that the presumption of mainstreaming should not be a ground for refusing a placing request to a specialist school and highlighted twelve other legal grounds to refuse a placing request to a specialist school, for example, relating to the impact on other pupils at the school and the capacity of the school.⁶⁴
115. May Dunsmuir argued that there was duplication in the mainstreaming grounds for refusal of placing requests and that a bias in favour of one type of education would not represent an inclusive approach. She commented⁶⁵ —

” I do not think that the presumption of mainstreaming is a necessary ground of refusal, because the three parts to that mainstream ground appear elsewhere, in the other 12 grounds that are set out in the 2004 act. It is an unnecessary ground, but we now see a number of education authorities refusing placing requests on that basis. They are clearly attaching that ground to their reasoning when they could just as easily use the three strands from the other areas.

116. The Cabinet Secretary appeared to be sympathetic with this position and made the point that legislation relating to the presumption of mainstreaming predates the 2004 Act. She referred to the revised guidance published in 2019 on the presumption of mainstreaming and said⁶⁶ —

” If there is any doubt about the suitability of mainstream provision, it is the role of the local authority to use the legislation to weigh up the measures. I was quite taken with the evidence that the committee took from the tribunal president, and we will seek to engage with her directly on the matter, particularly with regard to updating the 2004 Act.

117. The Committee heard that the suitability of a placing request could sometimes be weighed against the cost implications of granting it.
118. May Dunsmuir acknowledged the criticisms made of the Act and how it was difficult to navigate; however she said the statutory grounds for refusal of placing requests are relatively clear. She went on to say ⁶⁷ —
- ” Some people would say that even the very basics are complex, and I think that that is probably true—you need only look at the CSP... if you were to ask me, “Is the legislation clear enough on CSPs?”, I would say, “Absolutely not.”
119. Chloe Minto said that where the education authority has deemed that specialist provision was not appropriate, it has 12 grounds on which to base its refusal. She said ⁶⁸ —
- ” That can include things such as capacity or the fact that the school is not suited to the ability and aptitude of the child. All those grounds are on top of the presumption of mainstream education, which is one of the reasons why a request can be refused.
120. She highlighted the lack of information in refusal letters and said that it would be helpful local authorities provided more information on why they came to their decision and what criteria they used for making that decision. ⁶⁹
121. When asked if there is the correct balance between mainstream provision and the number and types of specialist places available for pupils with ASN, the Cabinet Secretary said ¹³ —
- ” Having looked at some of the evidence that the committee has taken on that, I would have to say no, I am not convinced that we have it right, and we need to reflect that in the ASL action plan update.
122. The Cabinet Secretary acknowledged there was variance across local authorities regarding the level of specialist provision giving the following example ⁷⁰ —
- ” ...some schools might have excellent speech and language provision, while in others that provision might have been reduced. The Government needs to reflect on that. If a local authority has made that decision, we need to ask where the support for children and young people will be provided.
123. She also spoke of the specialist provision being put in place by local authorities in responding to local needs and said this needs to be considered at a national level. She stated ⁷¹ —
- ” Again, I highlight that there are opportunities through the ASL action plan for us to work with local authorities. I do not want to dictate to local authorities, but I see an opportunity for us to firm up some of the guidance on how mainstream support might look.
124. The Cabinet Secretary also acknowledged the need to embed substantive specialist provision to support teachers and highlighted the example of counselling services now being available in schools. She commented that the Scottish Government will

do further work with COSLA in this area. She said ⁷² —

” ...we need to take leadership at the national level. My setting out expectations of the use of specialists is helpful in giving some of that direction, but we can get change at the local level by working with COSLA, whether that is on behaviour, attendance or supporting additional support needs.

125. The Committee was concerned to hear that pupils with ASN do not always have access to adequate specialist school provision near them. Pupils with ASN should be able to obtain appropriate support, ideally in their local area, without the need to travel long distances to and from school each day. The Committee urges local authorities to assess what specialist provision is currently in place and to address any gaps in provision as a matter of urgency. This will ensure that the needs of all pupils can be met.
126. The Committee was concerned to hear of long delays some pupils were experiencing when attempting to access specialist provision within a mainstream setting. This included, for example, accessing CAMHS support and/or speech and language therapy. The Committee considers that such delays are unacceptable. The Committee recommends that the Scottish Government work closely with bodies such as NHS Scotland, the Royal College of Speech & Language Therapists, CAMHS and COSLA, to identify the causes of such lengthy delays and ensure that a more joined up approach to providing specialist support within mainstream settings is adopted in future.
127. The Committee acknowledges challenges around the recruitment of pupil support workers, teachers and other specialist staff and asks the Scottish Government what actions are being taken to address this.
128. The Committee notes the lack of clarity in relation to placement requests to specialist schools and specialist units within mainstream schools and recommends that the Scottish Government works with COSLA to update the Code of Practice and ASL Action Plan to provide greater clarity on the support available to families. In addition, the Committee recommends that the Code of Practice states that local authorities should clearly set out to parents and carers the grounds for refusal of placing requests and that information on how to appeal any decision must be signposted.
129. The Committee is concerned that there is not clarity for parents and carers in relation to ASL provision and what is available for their children both within mainstream and specialist settings. The Committee recommends that the Scottish Government and COSLA update the ASL Action Plan to address these communication issues, to ensure that pupils, parents and carers are able to fully understand what support is being made available to their child, ahead of any placing request for specialist provision being made and that local authorities provide information to families in an accessible format.
130. Given the increase in the number of ASL bases and units within schools in the 20 years since the 2004 Act was passed, the Committee recommends that the Scottish Government undertakes a full review of placing requests to specialist services to consider how the current regime is working in practice, which would

include reviewing the grounds for refusal for placing requests to specialist services.

Physical environment

131. The learning environment is listed in the Code of Practice as one of the factors giving rise to ASN. It states that ⁷³ —
- ” A need for additional support may arise where the learning environment is a factor. For example, pupils may experience barriers to their learning, achievement and full participation in the life of the school. These barriers may be created as the result of factors such as the ethos and relationships in the school, inflexible curricular arrangements and approaches to learning and teaching which are inappropriate because they fail to take account of additional support needs.
132. A number of respondents to the call for views pointed out that the physical environment of mainstream schools is not appropriate for all pupils with ASN, particularly neurodivergent pupils with conditions such as Autism Spectrum Conditions and Attention Deficit Hyperactivity Disorder. The National Autistic Society Scotland said ⁷⁴ —
- ” One of the biggest barriers to attending school for autistic pupils is the social, and built, environment. ... the built environment (for example, a large, open- 13 plan school or classrooms) can adversely impact an autistic pupil’s experiences. Most traditional school settings come with environmental challenges for autistic young people, from noisy canteens to busy corridors. In particular, the trend towards the ‘super-schools’ we now see across Scotland creates an environment that conflicts with sensory differences experienced by autistic people.
133. Moray Council echoed this point saying traditional school buildings with large classrooms or open plan settings are not conducive to supporting children with neurodiversity. ⁷⁵
134. Govan Law Centre commented that, although many pupils have the academic ability to access a mainstream environment, "it is the architectural, sensory and social stimuli that they are exposed to that creates a barrier." It said ²³ —
- ” If the presumption of mainstream is to be successful it perplexes us as to why schools are becoming bigger, meaning more sensory and social stimuli to navigate...In many cases, for those with autism and other neurodivergent profiles, the loud and busy mainstream environment can lead to high levels of dysregulation, this dysregulation means that they are not in a ready to learn state and are significantly disadvantaged as a result - this cannot be considered meaningful inclusion in our large schools.
135. Dr Hannah Grainger Clemson outlined research she had undertaken on physical

spaces in education settings in Edinburgh which found various architectural features, décor, furniture and other resources had a positive impact on children with ASN in mainstream settings. She said—

” Educators describe the positive impact of particular elements of learning spaces on *all* pupil engagement and wellbeing, including that of Additional Support Needs (ASN) pupils. These elements include the learning environment - the buildings, and the style and functioning of the décor, light and sound, as well as the outdoor environment – and the learning tools: the furniture and its layout, and the portable items that are used in learning tasks.

136. Deborah Best highlighted the importance of school design for pupils with ASN and the problems open plan formats pose for pupils with ASN. She said ⁷⁶ —

” We are seeing more people struggling with open-plan formats. When children run, there is a fight-or-flight response and they are running through the whole school. We also need to think about the sensory aspect and noise coming from other rooms...When there are lots of children with additional support needs, it is not ideal to have no doors on classrooms.

Existing school estate

137. Witnesses made a number of suggestions on how schools' physical spaces could be adapted to support pupils with ASN without major resource. In relation to sensory integration, Deborah Best suggested the simple solution of moving a pupil to a small room with headphones to allow them to de-escalate, and then they can re-engage with education. ⁷⁷ Irene Stove representing the Scottish Guidance Association (SGA) argued for adaptable spaces in school buildings so they can be used as sensory rooms or "low arousal rooms" and agreed with Deborah Best that small spaces for pupils to de-stress and de-regulate must be available. ⁷⁷

138. Suzi Martin made the point that adapting the school estate to address the needs of pupils with ASN may not necessarily require a lot of resource. She gave simple examples such as providing high-backed chairs in a particular part of the school where an autistic pupil could go to feel enclosed and private, and allow them to regulate. She also gave the example of having a desk at the back of the classroom with some sensory toys or putting paper over glass panels. She did say however ⁷⁸ —

” I would add the caveat that that should not be a reason not to fund appropriate adaptations to schools, although we recognise that resources are not readily available for what we might call ideal adaptations.

139. Dinah Aitken, representing Salvesen Mindroom Centre, agreed with the need for adaptable spaces saying ⁷⁹ —

” The principle of universal design is that we should build a more flexible and adaptable environment from the ground upwards, so that, when someone needs individual specialisation, we can make minimal adjustments instead of having to start from scratch to make adjustments for that person.

140. Dr Binnie acknowledged that there were significant barriers in existing school

estates and suggested that more research could be done nationally, through ADES, to look at making school buildings more inclusive and meet the needs of ASN pupils which would benefit all children and young people.⁸⁰

141. Kerry Drinnan also spoke of things which could be done to the existing estate to reduce barriers for ASN pupils without significant resource. She explained⁸¹ —

” If you were to walk into a primary school classroom now, you would see little nooks and crannies and safe areas, and there would be children with weighted blankets. It is all very soft and sensory. Our educational psychology service will do what is called an environmental audit. If a teacher has young people with more neurodivergent needs in their classroom, the service will come to support them and say, “This is how you should reduce your wall decorations,” “These are the colours that you should use,” and “This is what your displays can look like.” They try to reduce sensory overload, transitions and unpredictability.

142. She advocated that it should be a minimum requirement for all schools to have reduced sensory stimulation spaces that are accessible throughout the school days for pupils to be able to go to when needed.

143. On the adaptations that have been made to existing school buildings to meet the needs of pupils with ASN, Dr Binnie suggested that more work needs to be done on sharing these adaptations and modifications and that these measures should be replicated across all local authorities.⁸²

New-build schools

144. The Committee heard concerns regarding new-build schools and how they provided barriers to pupils with ASN. Irene Stove spoke of the difficulties some pupils have with the school environment and made the point that when building new schools, environmental aspects of both indoor and outdoor spaces must be considered in consultation with teachers and partners who work with pupils with ASN and understand their needs to ensure they are fit for purpose. She gave examples such as loud noisy buildings with glass panels on doors as being very difficult for pupils with hearing impairments and Attention Deficit Hyperactivity Disorder to focus on learning in these environments. She said⁷⁷ —

” For many children, a way for them to be co-regulated or to regulate themselves is to get outdoors, but that needs to be done in a safe outdoor space. If we have a young person whom we might describe as a “runner”—I think that someone used that term earlier, and it is also how I would describe some young people—we need to know about that so that we can keep them safe. Many schools are community areas where the gates are not locked, which means that children can run out into busy roads. We need to consider how we keep everyone safe in our schools.

145. Marie Harrison, representing Children in Scotland and Megan Farr, representing the CYPCS, both also highlighted the difficulties associated with new-build schools for pupils with ASN, particularly in relation to them being large, open spaces, noisy and bright. Megan Farr said⁸³ —

” Children with an autistic spectrum disorder in particular can find that extremely overwhelming and sometimes the adaptation aid is very small, such as taking a child out of the busier bit of the room. However, schools are still being designed like that. A number of primary schools were built around four-class clusters in a block with no walls; those are also difficult environments.

146. Dr Binnie told the Committee that the design of school buildings is often determined at local authority level which may involve professionals such as architects, who might not always understand or know about the complex needs of the children attending the school.⁸⁴

147. The Committee wrote to the Scottish Futures Trust (SFT) who work with the Scottish Government to deliver the Learning Estate Investment Programme (LEIP) and similar programmes on the evidence it heard regarding the design of the school estate not always supporting the delivery of inclusive education. It asked how the SFT supported local authorities to ensure that any new schools or refurbishments are designed to support the learning for pupils with additional support needs, particularly those children and young people with sensory needs.⁸⁵

148. The SFT stated that the provision of schools in Scotland is the responsibility of local authorities who assess, plan and deliver infrastructure in response to the specific needs of communities. It highlighted that while there are overarching national statutory requirements covering basic parameters related to the learning estate, "local factors such as demographics, employment needs, approach to pedagogy and environment are decided by local authorities."⁸⁶

149. The SFT referred to the guiding principles of the Learning Estate Strategy which was co-published by the Scottish Government and COSLA in 2009 and updated in 2019 which states—

- Learning environments should support and facilitate excellent joined up learning and teaching to meet the needs of all learners
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transitions for all learners

150. The SFT highlighted a number of projects it supported relating to standalone specialist schools, specialist facilities alongside mainstream and nurture spaces within mainstream. It stated⁸⁷ —

” The programme approach managed by SFT encourages knowledge sharing across local authorities, and we have facilitated discussions between specific projects, across all authorities through Shared Learning Events and nationally through the annual Learning Places Scotland Conference. We will continue to learn from these and other projects and seek feedback from users to help inform the design of future learning spaces to support the needs of every learner.

151. Laura Meikle commented on the work being done as part of the update to the ASL Action Plan and the Code of Practice and said that there are opportunities to make connections with ASN and the importance of the design of the learning environment to reflect the recent changes in the educational experiences of children and young

people.⁸⁸

152. The Cabinet Secretary acknowledged the issues relating to the physical environment and said "I have looked at some of the evidence that the committee has taken on school design, and I am pretty sympathetic to it."⁸⁹
153. She referred to the work of the SFT in providing guidance on the design of school buildings and work with local authorities on design specifications.⁹⁰ She also highlighted the funding announced in December 2023 for phase 3 of the learning estate investment programme saying the Scottish Government is working with SFT on its approach to this.⁸⁸
154. The Cabinet Secretary confirmed that the Scottish Government funds local authorities to improve the quality of the school estate and the design of school buildings comes from the local authorities. On the size of some schools, she agreed they were too big and admitted that further advice from the SFT was needed on school design. She said⁸⁹ —

” They are too big for children with additional support needs, but they are also too big for our pupils and our staff—full stop. In big schools, teachers do not get to know their children and young people.

155. The Committee was disappointed to hear in evidence that many recently built schools have been designed in a way that is not accessible to all. Current open plan designs can act as a barrier to learning for pupils with ASN, and in particular for pupils who are neurodivergent. The Committee recommends that the Scottish Government and the Scottish Futures Trust should reassess the support and advice provided to local authorities to ensure that schools are designed as accessible and welcoming environments for all, and that the Scottish Government should also give consideration to whether further regulation in this area is required. The Committee understands that this work will take time; however, it expects a full response to these two recommendations by the end of 2024.
156. The Committee recognises that much of the existing school estate will continue to be in use for many years to come. The Committee notes the evidence in relation to effective and relatively inexpensive adaptations which can be made to improve accessibility for pupils with ASN and considers that these low cost options should be collated and shared across local authorities. The Committee therefore recommends that the Scottish Government work with colleagues in local government, and relevant third sector organisations, and pupils themselves, to develop a suite of guidance to make existing schools as accessible as possible to those with sensory needs. Given the urgency, the Committee recommends that this guidance be published by the end of the year and that implementation of this guidance should appear in National and Local Improvement Plans as soon as possible thereafter.

Training

157. Training and skills is one of the four themes of the ASL Action Plan. It includes actions around the role of pupil support workers, the support provided by Education Scotland, and teachers' education and continuing professional development.
158. COSLA, in relation to ensuring adequate training for staff on ASN, highlighted the resources available in relation to both the initial teacher education (ITE) and for qualified staff through Continuous Professional Learning and Development (CPLD). These included the delivery of the We were Expecting You Module in ITE, the Dyslexia Toolbox and the Autism Toolkit and a document entitled Introduction to Inclusive Education.⁹¹
159. The Committee heard from many witnesses of the need for better training for all staff on ASN, including Susan Quinn who made the point that all staff need ongoing professional training to ensure they are fully aware of pupils' ASN. She said⁹² —
- ” They need to be aware of the complexity of need but, at different points in all our careers, we will require specialist training to support the young people with whom we are directly working.
160. Dinah Aitken, Irene Stove and Suzi Martin all argued for more training for all staff on ASN; however there were mixed views on whether this training should be mandatory. For example, Susan Quinn said the EIS was not in favour due to the negative connotations associated with mandatory training⁹³ and Peter Bain agreed that universal training should not be mandatory; however others including Sylvia Haughey said that there should be some elements of training in supporting additional needs that are mandatory.
161. Glenn Carter advocated a coaching approach to supporting staff in providing ASL saying⁹⁴ —
- ” We need good-quality training, which is important, but the thing that facilitates behaviour change and a shift in how we facilitate kids' communication is being in there and coaching and modelling with other people, rather than just throwing training at them and then walking away. We know that throwing training at people rarely works without follow-up and without coaching and modelling. We need to be brave.
162. Marie Harrison suggested that good practice in specialist schools could be shared with mainstream schools through learning exchange opportunities. She said⁹⁵ —
- ” That is about supporting mainstream schools to learn from specialist settings about what it is that they do and what works really well for them, and looking at how we can transfer some of that good learning into mainstream settings as far as that is possible. We could look at whether there is scope to deliver some kind of continuous professional learning in that regard.
163. The Cabinet Secretary suggested that there may be a role for Education Scotland in exemplifying good practice in relation to ASL provision and sharing it across local authorities.⁹⁶

Teachers

164. The ASL Action Plan includes the following action which is ongoing⁹⁷ —
- ” The Scottish Government and COSLA/ADES will work with the Scottish Negotiating Committee for Teachers (SNCT) to ensure there is appropriate career progression and pathways for teachers looking to specialise in Additional Support for Learning, with the intention that this will result in an overall increase to the number of teachers who specialise in ASL in Scotland’s schools, with particular emphasis on ensuring that the Lead Teacher structure delivers on this outcome.
165. The progress update for this action stated⁹⁷ —
- ” The Scottish Government will engage with the Project Board to understand current local authority planning in this area. The Scottish Government and partners, including professional associations, will consider how any barriers to specialising can be addressed and how uptake of this pathway can be incentivised. The Scottish Government is also working with partners to update existing guidance on the qualifications required to teach children and young people with sensory impairments.
166. The Cross Party Group on Children and Young People (CPG) emphasised that “teachers need greater support to deliver inclusive education” and said there is “a desire for further training and also the need for resources to deliver high-level support”. The CPG also said that school leaders “need training which has equity, inclusion and social justice at its heart to affect necessary culture changes in school settings”.⁹⁸
167. Several witnesses including Mike Corbett of NASUWT, and Mathew Cavanagh, representing Scottish Secondary Teachers Association suggested that Initial Teacher Education (ITE) should include a greater focus on supporting pupils with ASN.⁹⁹ Matthew Cavanagh made the point that specialist schools and units do not have as many student teacher placements or probation teachers as mainstream schools meaning that new teachers are not exposed to the opportunities outside the mainstream in education.¹⁰⁰
168. Suzi Martin referred to the training pilot by University of Strathclyde on autism in initial teacher education which has been made available to all providers of initial teacher education throughout Scotland.¹⁰¹
169. The Committee wrote to the Scottish Council of Deans of Education (SCDE) on how inclusive education practices are covered in ITE and asked for information on any work which has been undertaken to quantify and evaluate the support provided to student teachers to develop and support pupils with additional support needs.¹⁰² In their response, the SCDE outlined areas of work which demonstrate continued focus, development and review of inclusive practices through Initial Teacher Education, including details of The Scottish Universities Inclusion Group and The National Framework for Inclusion. It also highlighted the work on implementing the national initial teacher education materials for Autism. The response stated however¹⁰³ —

” We are pleased by the holistic inclusive nature of the request. This aligns with our concerns that reports of the work of Schools of Education that focus on specific curricular content within ITE programmes, relating to different categories of children (which we have been asked to provide in the past), fail to capture the embedded ways of working that support the inclusion of all children.

170. On CPLD, Susan Quinn commented that the lack of ASN training for teachers is not due to a lack of will, rather a lack of available time.⁹³ Suzi Martin argued that there needs to be realistic expectations of what teachers can do and training should be tailored to match their role. She said¹⁰⁴ —

” The training needs to match what we can expect them to do within their roles; we cannot expect them to have a specialist understanding of speech and language therapy—or even of additional support for learning or being an ASL teacher. On the other hand, someone could specialise in being an ASL teacher, but we would not necessarily expect them to be an expert in behaviour. The training needs to match what we expect teachers to do.

171. Sylvia Haughney made the point that teachers do not require specialised training to work as a teacher in an ASN or complex needs school and that children in ASN establishments should have the right to specialised teaching. She said⁹⁹ —

” In order to be a secondary school biology teacher, you must have a degree in biology. However, it does not matter what degree you have—you are allowed to work with any pupil with a complex need. A teacher who had no awareness of complex needs would be expected to walk in and get started with no training at all.

172. Regarding career progression and pathways for teachers who want to specialise in ASN, the Cabinet Secretary pointed out the role of the lead teacher, which provides opportunities for staff to specialise but stay within mainstream provision. She said¹⁰⁵ —

” The General Teaching Council for Scotland has undertaken further work on accreditation in relation to additional support needs, so there are opportunities for staff to specialise in that regard, too.

Pupil support workers

173. The Scottish Government stated that it would explore “the development of an accredited qualification and registration programme for Additional Support Needs assistants” with proposals expected by the end of 2023.

174. COSLA’s written submission stated, “work is currently underway looking at training, regulation and accreditation for [Pupil Support Staff] workforce. Education Scotland have held a number of events and have developed training resources which pupil support staff can access.”⁹¹

175. Peter Bain argued that ASN staff in schools should have opportunities to receive

career-long professional learning and to have additional time to allow them to upskill and increase their knowledge. ¹⁰⁶

176. This point was echoed by Sylvia Haughney representing Unison Scotland who said in relation to pupils with complex needs who are now in mainstream settings ¹⁰⁷ —

” Their needs are complex, but there is little training for support staff, who are the lowest paid and the least trained. We have been at a crisis point as regards the impact on the children in those establishments.

177. Irene Stove spoke of the lack of time available for training for pupil support workers saying ¹⁰⁸ —

” We have to use in-service days for compulsory training, which impacts on the training that we can provide for pupil support assistants. They are really valuable in supporting learning and supporting our young people in schools, but most pupil support assistants in Scotland work a 27.5-hour week, which means that there is no extra time at the end of the day to offer them training, which is all done through good will. If we release pupil support assistants from school to engage in training, there is no supply list to enable schools to replace those assistants. Even if you are fortunate enough to be able to get a supply person in to replace the person who is away for training, they do not know the children’s needs and are not able to give effective support.

178. This point was echoed by Peter Bain who said the biggest problem was that pupil support workers were not being given enough time and support to develop the skills to help teachers to deal with the increase in the number of pupils with mid-range ASN. ¹⁰⁹

179. Sylvia Haughney representing Unison Scotland made the point that pupil support workers receive little or no training; she gave the following stark example ¹¹⁰ —

” At Costa, they would have been given two weeks’ training before they touched any piece of apparatus and they would have learned about different types of beans and other things that are involved in being a barista. However, when they took a job as a pupil support worker, for whatever reason, they would have gone straight in on day 1, with no or very little induction training...Pupil support workers do not need any qualifications, any training in child development or any awareness of anything to do with the education system but, from day 1, they can be told, for example, that they are working with a child who is hearing impaired, that they should try to pick up what to do as they go along and that, if the child uses British Sign Language, they can pick up some signs from the interpreter in the class. Alternatively, they might be told that they are going to work with a child who has ADHD.

180. She went on to make the point that the majority of pupil support workers have no non-pupil time to allow them to undertake training. ¹¹⁰

181. The Committee considered the commitment to explore accreditation and qualification for additional support for learning assistants; Clair Henderson confirmed that work has been on-going and the Scottish Government expects to publish its report on this in the spring. ¹⁰⁵

182. The Cabinet Secretary acknowledged the need to support staff training . She said
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” We need to support training far better than we do currently. I think that it is fair to say that there is a disparate approach across the country, and there are ways in which we are going to support the training through that commitment.

183. The Committee acknowledges the diverse range of ASN and the part this plays in staff training. The Committee agrees that Continuous Professional Learning and Development training for teachers and pupil support workers is extremely important and that time should be made available for all staff to undertake ASN-related training on an ongoing basis. This should include training on the varying levels and types of support required depending on the type of ASN.

184. The Committee notes the evidence it heard in relation to the coaching model. The Committee is supportive of this ongoing approach and considers this may improve outcomes for pupils and teachers, without over-burdening teaching staff. This should not replace specialist support.

185. The Committee notes the response from the Scottish Council of Deans of Education on the curricular content within Initial Teacher Education programmes. The Committee asks the Scottish Government to work with the Scottish Council of Deans of Education to ensure that ITE programmes capture the embedded ways of working that support the inclusion of all children and that issues raised by witnesses in relation to ITE programmes are addressed. The Committee further asks that they also consider ways to ensure exposure to ASN settings, including ASN bases or in special schools, is strengthened in the placements offered for teachers in training.

186. The Committee notes that there was no clear consensus as to whether ASN training for staff should be mandatory. The Committee further notes though that, whether mandatory or not, making training available for support staff was considered crucial. The Committee recommends that this issue be explored in more detail via direct dialogue with teachers, support staff, and teaching unions. This should be carried out by the Scottish Government and/or COSLA, as appropriate.

187. The Committee notes the valuable role that support for pupil support workers play in supporting pupils with additional support needs. However, the Committee is concerned that these staff members have very limited opportunities to undertake training. This is due to a lack of non-contact time. Given the Scottish Government's commitment to accreditation and qualifications for support for learning assistants, the evidence heard as part of this inquiry should be fully factored into planning for this. The Committee would appreciate regular updates on progress in this area.

Resources

188. A large number of respondents to the call for views spoke of resourcing issues and

a lack of support staff and specialist provision. This included organisations, teachers and parents and carers. Many argued that there were insufficient resources directed to support inclusive education.

189. The SPICe briefing stated that real terms spend per pupil on the primary and secondary sectors has increased between 2017-18 and 2022-23. It also stated ¹¹² —

” In addition, statistics show that the numbers of pupil support assistants has increased (at least) since 2018. Average Pupil Teacher Ratios overall have decreased between 2017 (13.6) and 2023 (13.2). The numbers of specialist ASL teachers in primary schools have been reducing over long term. The number of specialist ASL teachers in the secondary sector have increased between 2017 and 2022, but remain at lower levels than in the early 2010’s.

190. The SPICe briefing also highlighted the increasing the number of pupils reported as having an additional support need and stated that in 2013 19.5% of the school roll had an identified ASN which increased to 37% in 2023.

191. The NASUWT reported that a survey it undertook with its members in February 2023 found that 35% of responses said that pupils with ASN receive the support to which they are entitled “rarely” and 3% said “never”. It highlighted ¹¹³ —

” When asked to identify the key reasons why pupils did not always receive such support: 75% cited ‘Long waiting lists for support’; 60% identified ‘Cuts to external services mean that my school cannot access the necessary specialist support’; [and] 57% suggested ‘Budgetary pressures mean specialist support is too expensive for my school to obtain’.

192. The EIS said that it was imperative to provide more resources to address the “chronic under-resourcing of ASL provision”. It argued that this would reflect the growing number of pupils with identified needs and the growing complexity of those needs. It stated ¹¹⁴ —

” For long, the EIS has campaigned for increased resourcing of ASL to bridge the gap between policy and practice in our schools and for a long-term resourcing strategy – including action to reduce class sizes and significantly enhance the availability of specialist ASL support and expertise within schools – to match the scale of the promise to children and families made within the Education (Additional Support for Learning) (Scotland) Act almost two decades ago.

193. The Commission on School Reform said that there had been a shift in resources from the specialist sector to mainstream establishments resulting in a reduction in specialist provision. It said ¹¹⁵ —

” The overall level of support has been reduced under the guise of progress. While saying that, many schools have undertaken, at their own initiative and expense, very positive work to support the integration of young people with additional support needs into the full life of the school. Their experience is that the ways in which the presumption of mainstreaming has been implemented has led specialist provision being closed down or very significantly reduced.

194. Susan Quinn said ⁴⁹ —

” ..because of under resourcing and the challenges that schools face, the needs of the young people who are in mainstream education are not being met as well as teachers and others would want them to be.

195. Peter Bain agreed that additional funding was required as did Mike Corbett representing NASUWT who said ¹⁰⁷ —

” Surely, the aim of the bill [the 2004 Act] and the biggest benefit that we wanted at the beginning was for there to be the best support for each child as appropriate. However, the impact has been, as many have already said, a lack of resourcing.

196. The pressure across a range of specialist services was highlighted by a number of respondents to the call for views. The EIS stated that there has been “dramatically declining numbers of specialist staff and unsustainably large class sizes, leaving significant gaps in provision to be filled by class teachers.” ¹¹⁴

197. Peter Bain argued that ASN staff are an underutilised resource because of the way in which the service is funded and that there was no single method of allocation of ASN resource to schools across each local authority. ¹¹⁶

198. Susan Quinn spoke of staffing levels and how local authorities allocate staff numbers according to the percentage of pupils with ASN rather than in relation to level of need. She told the Committee— ¹¹⁷

” In my 35 years of teaching experience, there has never been consideration of staffing specifically for that need. There are changes among the young people who are in front of us year on year, and the situation can become more complex. Local authorities need to have the ability and capacity, through their budgets and resources, to respond to requests from individual establishments about specific young people with more complex needs.

199. Peter Bain explained that pupils with severe and complex needs would normally receive the support needed; however, the increasing numbers of pupils with severe and complex needs means that resources are directed to those pupils. This means that less resources are available to the increasing numbers of pupils with mid-range additional support needs in the classroom. He said ¹¹⁶ —

” Teachers and additional support needs staff are most concerned about that group, because there is a lack of suitable staff and training to deal with the ever increasing numbers in the mid-range.

200. He suggested that for the majority of those in the mid-range, resources which have been allocated to those pupils such as one to one support could be reviewed as the pupil progresses through school and builds confidence if the support has been working correctly. He said ¹¹⁸ —

” ...if an ASN member of staff has sat with them one on one for four years, the system will have failed because we will not have prepared them for life after school. That is not to say that we should remove their support by the end of S4, but we should be able to use the ASN member of staff differently, given the appropriate training.

201. Although Deborah Best expressed concern regarding the removal of support when pupils begin to succeed. She said ¹¹⁹ —

” They succeed because they have good support, not because they suddenly do not need support any more, yet it is often removed just as it is beginning to work. Supports are regularly removed once the person starts to make some progress. Would we take a ramp away from someone who required to use a wheelchair to access the room.

202. The Committee heard that teachers are increasingly taking on more roles than in previous years, including becoming involved in health and social aspects of pupils' needs. Peter Bain suggested that this was because the number of social workers in local authority areas have diminished. ¹²⁰

203. Sylvia Haughney and Susan Quinn echoed the point about the reduction in specialist staff such as educational psychologists and speech and language therapists. Susan Quinn argued ¹²¹ —

” When I started my career and then went into senior management, there were significantly more educational psychologists available, and they worked with and saw young people much more regularly. They are now being drawn out of that role to provide training in particular areas, because other people are not available to provide that training. That has changed the whole area. Similarly, the roles of speech and language therapists have changed, too, and things are becoming more problematic in that area. It is all about trying to do more with less.

204. She spoke of the reduction in child and adolescent mental health services and the long waiting lists to be seen by CAMHS, which can vary from 2 years and sometimes up to 5 years. She said— ¹²²

” As others have said, all of those resources could support education to move forward if we were able to access them. It is about resource.

Inclusive approach

205. The need to adopt an integrated and inclusive approach to ASL resourcing was raised by a number of witnesses. Witnesses including Dr Binnie, Nicola Dickie representing COSLA and Antony Clark, representing Audit Scotland, all said that tracking spend on ASL is extremely complex given that it covers many areas and budget streams, not just education budgets. ¹²³ Antony Clark told the Committee ¹²⁴ —

” It is also important to recognise that this is not just a local authority question: health services, the third sector, housing services and other partners also have important parts to play. It is really important that we try to understand what those contributions are, but how budgets are allocated and accounted for does not allow that to happen. There is a real challenge in understanding what resources are being deployed in complex services that involve several partners.

206. Witnesses including Peter Bain and Sylvia Haughney also said that it was not as simple as looking at the education budget in isolation, rather consideration needs to be given to related health and social work budgets. Peter Bain told the Committee ¹²⁵ —

” If we could reinforce the budgets in those areas, that would support education by default, which would mean that education needed less money, because the support services would be providing an adequate level of care.

207. Vivienne Sutherland agreed it was difficult to single out spend on pupils with ASN. She stated ¹²⁶ —

” In education, we see ourselves as working in partnership with other key agencies, including health and family support services, to meet additional support needs. It is tricky to single out the spend that education makes. It would also be complex to look at the wider budgeting issues, but it would be useful to do that.

208. Glenn Carter, representing Royal College of Speech and Language Therapists (RCSLT) argued for an inclusive approach to resourcing and a joint accountability, between local authorities and health boards on outcomes saying ¹²⁷ —

” I think that we should have a partnership funding agreement between health and education. We are developing a consensus on the challenges and trying to reach a consensus on the solutions, but we should find a way of supporting these children’s needs and not fight over who is paying. The issue is too important for Scotland to wrestle with it.

209. Antony Clark spoke of a new area of practice around budgeting and budget allocation in respect of how resources are deployed in individual local authorities or other public bodies. He said ¹²⁸ —


” The United Nations Convention on the Rights of the Child’s coming into our law will pose a new set of particular challenges for local authorities and the Scottish Government. A new area of practice around budgeting and budget allocation seems to be emerging, both at the strategic level and in respect of how resources are deployed in individual local authorities or other public bodies. It feels like a complex area.

210. The Cabinet Secretary agreed that funding for support for pupils with ASN does not just fall within the education budget and that what is required is a more holistic approach to budget provision. ¹²⁹

211. The Committee recognises the current financial climate. However, the Committee considers that important improvements can be made to current practice, without incurring additional expenditure as set out in evidence to the Committee.
212. The Committee heard from witnesses that resources for Additional Support for Learning provision had been reducing over time. The Committee acknowledges this view with concern. At the same time, the Committee considers that a more inclusive and joined-up approach towards resourcing generally could help ensure that services for pupils with additional support needs can be met on a more equitable basis in future.
213. The Committee notes the complexity in understanding actual spend on ASL given the range of areas and budget streams involved and recommends that further work be undertaken by the Scottish Government on how this spend can be quantified. The Committee also asks Audit Scotland to consider undertaking audit work on this cross-cutting spend.
214. The Committee notes that one of the 2011 Christie Principles was that “Public service providers must be required to work much more closely in partnership, to integrate service provision and thus improve the outcomes they achieve.” The Committee is aware that the challenge of integrating services is longstanding. However, the Committee is disappointed that in 2024 this continues to be the case. The Committee recommends that the Scottish Government provides leadership in this area and works across portfolios and with other bodies including COSLA and NHS Scotland to develop a more inclusive approach to resourcing ASL provision in Scotland's schools. The Committee expects the updated ASL Action Plan to include a clear, measurable plan on how this will be improved in the short medium and long term.

Transitions

215. The ASL Action Plan included an action for the Scottish Government to work closely with ARC Scotland (the Association for Real Change (ARC) Scotland) to develop and trial of the Principles into Practice programme. The progress update states ¹³⁰ —

 The Code of Practice Working Group will consider the outcomes from the Principles into Practice Trial Programme and consider opportunities to strengthen the guidance on transitions.
216. Many respondents to the call for views spoke of the importance of enhanced transitions for pupils with ASN. A number of respondents detailed poor transition experiences for the child which exacerbated their need for additional support. During the informal participation session, parents and carers also argued that enhanced transitions processes was key to pupils with ASN as it can be extremely difficult if the correct support is not in place. ⁷ A parent of a young child said ¹³¹ —

” My daughter is now in P1. Again the ASL Early Years team have been fantastic at supporting her to settle into P1. They have supported the teacher and PSA to adopt techniques to support her learning and concentration e.g. baskets of activities to support numeracy, use of symbols and boards and ideas for playground support. However, the Early Years Team finishes at Christmas and she will move to the Inclusion Team. As parents we have very little information about what support this will offer to my daughter. We are concerned that they will not know her very well and she will not be as supported as she was.

217. Mathew Cavanagh spoke of the importance of enhanced transitions between the different stages of learning and beyond in finding positive destinations for those pupils with ASN. ¹³² —

218. Marie Harrison highlighted schools' physical layout as being difficult for pupils with autism when they move from primary to secondary schools. She said ¹³³ —

” There is also an issue with the fact that a child comes from a primary school where there is the ability to support them and to create safe, small workspaces for them, and then, without particularly big fanfare, they come into a secondary school environment where they have to navigate their way around the school. The school is not wrapping itself around them; they have to wrap themselves around the school. Even with an enhanced transition process and visits to the school, making that transition is a massive challenge for autistic young people, because the physical layout of secondary schools is quite complicated.

219. The Inclusion Ambassadors told the Committee where their school does well to support them and transitioning advice was highlighted as being important to them although there were different experiences of support for transitions. Comments from the Inclusion Ambassadors included ⁶ —

- Schools have offered transitioning advice on what support at university will look like, which is really helpful
- Organisations working together is important and provides invaluable support when moving from primary school to secondary school and onto further or higher education

220. Kerry Drinnan spoke of the importance of transition planning and how learning from primary schools can be beneficial. She said ¹³⁴ —

” We even have primary teachers being employed in our high schools because they are really good at offering a blended curriculum for young people who are perhaps at the first-level curriculum and not quite ready to access the high school one but still want to go there.

221. The Committee considered the issue of transitions in depth as part of its scrutiny of the [Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill](#). In its report, the Committee remained extremely concerned by the evidence it heard about the poor experiences of transitions for many disabled young people. It stated ¹³⁵ —

” Several witnesses told the Committee that young people and their families were not always listened to by professionals, that there was a disconnect between children’s and adult services with poor communication across agencies and with young people and their families, and often, there was no clear person to take the lead on transitions, leading to parents and young people having to advocate for themselves. The Committee recognises the need to act on these issues to improve disabled children and young people’s experiences of transitions.

222. In its response to the report, the Scottish Government stated it was committed to improving transitions for disabled young people and referred to its intention to introduce a National Transitions to Adulthood Strategy in this parliamentary term.

223. The Committee continues to recognise the need to act on improving disabled children and young people’s experiences of transitions and this is also the case for all pupils with ASN.

224. The Committee asks the Scottish Government for an update in relation to the National Transitions to Adulthood Strategy and an indication of when it will be published. In addition, the Committee recommends that the next update to the ASL Action plan includes details of how it intends to address the concerns raised in relation to poor transition experiences of pupils with ASN from primary to secondary school.

The impact of COVID-19 on additional support for learning

225. Many of the issues raised under this theme also relate to the implementation of the presumption of mainstreaming, including attendance and behaviour and should not be considered solely as an issue related to the impact of the pandemic on ASL.
226. Many responses to the call for views said that the pandemic had resulted in an increase in the number of pupils having mental health and wellbeing issues and social and emotional issues. An increased need in relation to speech and language and changing relationships between schools and parents and carers and other services were also issues raised by respondents.
227. Glenn Carter representing Royal College of Speech and Language Therapists (RCSLT) spoke of the impacts that the pandemic has had on children, young people and their parents and carers. He spoke of the lack of access to services and a move towards online service provision. He explained that speech and language therapists were redeployed to adult services thus reducing the services offered to pupils with ASN. He told the Committee that there had been an increase in the complexity of needs due to the lack of early intervention and prevention. He said ¹³⁶ —
- ” We know that a significant number of children with additional support needs have communication needs, and there is quality evidence for the alignment between communication and their attainment, wellbeing, attendance at school, behaviour and future life chances. We are seeing an impact on all those areas.
228. Suzi Martin argued that the pandemic exacerbated existing problems related to ASL, explaining that the disruption caused by lockdown had a negative effect on pupils with autism and their families in relation to both learning and education and on their social and life skills. She said that school was often used as a coping mechanism, as it provided routine and structure. She told the Committee ¹³⁷ —
- ” Our report “Left stranded” found that 68 per cent of families who responded said that their child or young person was anxious at the loss of routine and that 65 per cent said that their child or young person could not engage in online classes. Those were extremely significant impacts.
229. However, she also made the point that, for some pupils with autism, when the need to go into school was removed from their life, this removed a big source of anxiety and stress. She commented on the importance of the school environment and the varying degrees of transition planning in relation to schools supporting pupils returning to school following lockdown. She said ¹³⁸ —
- ” Some schools did that really well and others did not put transition plans in place. Some autistic children and young people are still not at school today because there was not the right support for transitioning out of Covid and back into the school environment.
230. Dinah Aitken highlighted the increased isolation for neurodivergent pupils and their

families as a result of the pandemic with limited access to support services. She also agreed that the lack of transition planning in relation to schools supporting pupils returning to school had been an issue. She said ¹³⁸ —

” One of the key impacts of the pandemic on young people that we are seeing is the absence of transition. There are children in upper primary school who missed the key transition from the play-based learning of primaries 1 and 2 to the more structured learning of primaries 3, 4 and 5, and they are struggling in upper primary school to make up that difference. There are also adolescents in secondary school who missed the in-person transition from their primary school to their much larger secondary school. One of the key issues for those children is socialisation. The levels of anxiety among those children are quite extreme.

231. Irene Stove echoed the concern around transitions back into school telling the Committee that transitions for pupils with ASN are normally enhanced however, due to the pandemic, some of the transitions from primary school to secondary school were made online including virtual tours of the school; for pupils with complex needs this was inadequate. ¹³⁹

232. Dinah Aitken made the point that during the pandemic, parents and carers understood their children's needs better in relation to learning which has led to an increased awareness and demand for ASL in schools post pandemic. ¹⁴⁰

233. Marie Harrison said that level of complexity of referrals to My Rights My Say has increased following the pandemic. She said ¹⁴¹ —

” Whereas, in the past, we might have seen referrals for autistic children with an Attention Deficit Hyperactivity Disorder profile, we now see referrals for children who are autistic and have an ADHD profile, who have not attended school for two years and who have severe anxiety and are still waiting for support from child and adolescent mental health services.

Flexibility

234. Many respondents to the call for views called for a greater degree of flexibility in learning options including digital options and timetable flexibility. This was also raised during the informal participation sessions with parents and carers including the suggestion of the option of adopting a hybrid model of flexi schooling, a half way house between home schooling and mainstream schooling. ¹⁴²

235. The NASS made the point that some autistic children and young people benefited during school closures with online-based teaching suiting them better. It said ¹⁴³ —

” We are, however, sceptical there has been sufficient learning from that experience, or that remote learning is being utilised to the extent it is needed. There is a need to learn from and embed the online learning practices that were helpful for lots of autistic young people who found it very hard to attend school pre-2020

236. Deborah Best also highlighted that during the pandemic, being online was much more suited to some pupils' style of learning although it was not productive for all pupils with ASN. She argued for a hybrid model of learning, in which pupils could

attend school when they are able to but, when struggling, there would be access from home to online learning and the curriculum, so they could still attain.⁵⁰ Dinah Aitken agreed that a hybrid model could be useful,¹⁴⁴ as did Irene Stove although she pointed out that this would require additional resource.¹⁴⁴

237. Salvesen Mindroom Centre reported that, for some pupils, the continued use of digital platforms such as Teams has been really useful.¹⁴⁵ Matthew Cavanagh and Peter Bain both called for more flexibility regarding timetables and the curriculum. Peter Bain said¹⁰⁶ —

” We need to recognise that every individual in our school system has individual needs, and that those needs might include their being able to come in later or to be taught in a workplace—although I am not suggesting that a secondary 1 pupil should go to a workplace. We must change our insistence on mainstream schooling being from nine till half three. If we were to do that, the presumption of mainstreaming and the level of provision that we give to each youngster with ASN would be far better fulfilled and we would achieve the goal.

238. Suzi Martin said that online learning has been useful for some pupils who could not attend school pre-pandemic and still has a role to play. She said that since the return to in-school learning, this online option has been removed which has been disappointing for those who benefited from this option.¹⁴⁶

239. Peter Bain explained how curriculum flexibility can work well for pupils with ASN who are unable to engage in mainstream classes. He gave the example of providing more outdoor learning instead of class based learning for pupils with autism saying¹⁴⁷ —

” Those children do more outdoor learning instead of science experiments, because they might not wish to—that is the crucial point—or be able to spend their time doing a great deal of science work, but they might benefit from outdoor learning or from doing more hospitality work, particularly in rural areas such as Oban, which is a tourist destination. That will help them to focus on their job prospects when they leave school.

240. Susan Quinn agreed with the need for flexibility and alternative pathways for pupils with ASN but warned that this can be resource intensive. She gave the following example¹⁴⁸ —

” If a young person from a mainstream primary school is going to an outdoor event, that requires them to get there, if it is not in their own place. That will not necessarily be affordable for the parents, so the school or the local authority will have to provide the transport. You will generally require more than one adult to be present, even for one child, because of the nature of the need. You cannot just have one person working with them so that, if you need to get support, for example, it is there.

241. She also commented that emphasis on attainment over achievement can be problematic when providing a flexible and alternative approach for pupils with ASN, a point also made by Mathew Cavanagh. She said¹⁴⁹ —

” If we constantly say that the aim is to get the young person to a certain point so that they can pass a particular test or a certain part of it, the flexible route for them will be ignored somewhere down the line.

242. Sylvia Haughney spoke of pupils who are unable to cope in a mainstream setting being put on shorter timetables. She explained that, although it was understandable, it disadvantaged parents and carers who have to juggle work with later start times and disadvantaged pupils. She said ¹⁵⁰ —

” Although the parents have work to go to, they have to get their children in at 10 o'clock instead of 9 o'clock. That happens for absolutely the right reasons—the child cannot cope with the bustle at 9 o'clock, so they have to come in later—but it means that they have a shorter day in school, which parents find means that their child has been disadvantaged.

243. The Cabinet Secretary highlighted some of the ways the Scottish Government is providing alternative learning options for those who, during the pandemic, became disengaged from their learning including digital opportunities such as E-Sgoil, the national e-learning offer via Education Scotland and the work carried out by the Scottish Attainment Challenge programme with virtual headteachers who work with care experienced young people to support their learning and their attendance. She said ¹⁵¹ —

” We know that there are real anxieties in the system, and sometimes virtual headteachers have a reach that traditional classroom-based or school-based headteachers might not have.

244. On the hybrid model of learning, where pupils learn both from home and at school, the Cabinet Secretary stressed the importance of attending school but acknowledged that for those pupils who find attending school stressful, there are a range of options to help support them. She said ¹⁵² —

” There has been a move to a level of online provision. For some young people, particularly harder-to-reach young people, that might work...For some young people, coming into school is still extraordinarily challenging, but I have been in schools, including primary schools, where headteachers have used members of staff— perhaps a pupil support assistant or others in their school community—to engage directly with a young person and their family. Over a number of weeks and sometimes months, they have been able to encourage that person back into school. That is always to the benefit of the young person.

245. The Committee notes the call for greater flexibility of learning for pupils with ASN and the suggestion that a more structured approach to part time timetables and curriculum provision could be adopted, including hybrid options, where this is in the best interests of the child. The Committee recommends that the ongoing curriculum review considers the issues heard on increased flexibility during this inquiry to ensure it is accessible to all pupils.

246. The Committee recognises that attendance is a key factor in pupil learning and that schools must be flexible to allow pupils to attend.

Attendance

247. Many responses to the call for views spoke of the anxiety and difficulties associated with attending school post pandemic. A parent/carer's submission whose daughter has autism stated ¹⁵³ —

” My own girl has had such severe anxiety that, after lockdown, she was unable to go to school. Up until the last year, school were unwilling or unable to support her meaning she was not being educated at all.

248. Irene Stove also highlighted the anxiety caused by pupils returning to school following lockdown. She commented ¹⁵⁴ —

” Across Scotland, as you will be aware, attendance has dropped. We have children who have not made it back to classes or whose attendance is incredibly low. We have children who are waiting for medical treatment and are taking time off beforehand because they do not want to catch something in school. That impacts on attendance. All those issues impact on families, because they are struggling to engage with schools and to support their young people back into school.

249. The Children and Young People's Commissioner Scotland (CYPCS) commented that school attendance rates were lower than they were pre-pandemic and that reports show that "attendance rates for pupils with additional support needs are lower than for those without (87.5% compared with 91.6%) with the gap particularly noticeable at secondary school (84.9% compared with 89.6%)." ¹⁵⁵

250. Moray Council reported that the pandemic has led to a “general increase in social anxiety [and] emotionally based school avoidance.” It said that there can be a “perception that attending school is not the norm.” ⁷⁵

251. The Cyrenians stated that there was an increase in 16-year-old school leavers with additional support needs who did not fully transition into secondary education. It said ¹⁵⁶ —

” We have a number of young people of school age, who have never ever returned to school or any education since the initial lockdowns took place.

252. The Committee heard of inconsistencies in the recording of attendance data. Suzi Martin explained that it is only in recent years that schools have been able to record part-time timetables and that recent data has shown significant variations in how part-time timetables are recorded. She said ¹⁵⁷ —

” We need to ensure that schools are aware of and follow the guidance about recording absences and that they specifically record part-time timetables.

253. She also expressed concern regarding how part-time timetables were used in schools saying that these can be used as a supportive measure; however they are often used as "a sticking plaster" for a lack of support and can make it difficult for pupils to get back to full-time education. ¹⁵⁷

254. Deborah Best also expressed concerns regarding the use of part-time timetables

from a parental perspective. She told the Committee that parents and carers were concerned that their children were not getting access to education and the detrimental impact it has on working parents and carers who regularly have to leave work to attend to their children.⁵⁰

255. Dr Binnie highlighted that local digital education offers are now in place to help those struggling to attend school to continue to access education and pointed to e-Sgoil, a national e-learning service. She acknowledged the need for greater flexibility post pandemic saying¹⁵⁸ —

” Covid led to a disruption in the education system for families, children and young people. There is increasing evidence of families, children and young people not necessarily feeling that the current education system meets their needs or that they do not wish to engage in it. They see learning as being able to take place in a broader way, perhaps through digital learning.

256. Vivienne Sutherland spoke of the need to understand more fully the reasons for non-attendance. She highlighted that the reasons are often complex and relate to a number of factors including the school environment, relationships with peers and teachers and other family factors. Once these are better understood, schools can put plans in place to help the pupil attend school.¹⁵⁹

Behaviour

257. Many respondents to the call for views said that when pupils with ASN are not coping and their needs are not being met, this can impact on their behaviour and wellbeing. It was highlighted that the resulting behaviour is often disruptive and detrimental not only to the learning and mental wellbeing of other pupils but that it also alienates the pupil with ASN.

258. During the informal participation session with teachers, one teacher commented that they were not told about potential triggers for pupils with ASN and that without knowing these triggers, this can lead to abusive behaviour towards teachers and other pupils. Several teachers argued that there was a direct relationship between distressed behaviour of pupils and a lack of appropriate support for those pupils. They made the point that there is an assumption that exclusion should not happen where significant verbal and physical violence occurs; however, following such incidents, there is often nowhere for a pupil to go, or no additional staff on hand, which leads to teachers, pupil support assistants and other pupils feeling unsafe. Some witnesses spoke of having to support children in stairwells or corridors because of the lack of spaces to take children to who have had to leave a class. They said⁸ —

” The burden of supporting pupils in the aftermath of violent incidents often falls on Support for Learning teachers and Pupil Support Assistants, making it more difficult for them to provide appropriate support to pupils with ASN.

259. Glenn Carter spoke of the increase in behavioural difficulties and the link between communication and behaviour. He argued that this is where speech and language therapists could help reduce the level of behavioural issues in schools. He said¹⁶⁰ —

” In the context of children with communication needs, all behaviour is some form of communication. We know that communication is part of who we are as humans and that we long for connection. If that connection is not there and there is an inability to communicate, we can become distressed or depressed and low, and/or behavioural issues can come to the fore. That is certainly what we are seeing.

260. He highlighted a Public Health Scotland report where health visitors noted a sharp increase in communication issues particularly among two-and-a-half-year olds which is a key area for spoken language development. He also highlighted a survey of all Early Years Scotland members which found that 89 per cent had seen an increase or a significant increase in the numbers involved and the complexity of communication needs. ¹⁶¹ —

261. Both Dinah Aitken and Suzi Martin agreed that communication was a key issue. Suzi Martin also argued that the anxiety and stress caused by the pandemic had also resulted in dysregulation and certain behaviours and the lack of support services had exacerbated this. She said ¹⁶² —

” For autistic children and young people, it is all about support. If support and services are there, they are likely to be able to enjoy their school experience and socialising with their peers. However, if support is not there, they will experience dysregulation and will potentially behave in a way that others around them perceive as challenging or problematic.

262. May Dunsmuir spoke of the misunderstanding regarding pupils with ASNs' behaviour in schools. She said ¹⁶³ —

” Behaviour can be very school orientated, so we focus on that. We sometimes interpret how a child is behaving in the classroom as disruptive or challenging when, in fact, it is not that and is actually caused by distress that emanates from their condition.

263. Megan Farr spoke of the number of pupils with ASN who are excluded and that the largest group was those listed as having social and emotional behavioural difficulties. She said ¹⁶⁴ —

” That label concerns me because, given the extent to which the behaviour of those children affects their school life—they are being excluded and you cannot get a much bigger impact on your school life than not being allowed to go to school—there is probably an unrecognised other additional support need category that somehow has not been identified.

264. Chloe Minto confirmed that inquiries to the Govan Law Centre in relation to exclusions have almost doubled since 2018. ¹⁶⁵ —

265. The Cabinet Secretary acknowledged that absence was one of a range of post-pandemic challenges that schools face and said recent data "reinforces a renewed need for a drive across central Government and local government to ensure improved outcomes for all our young people." She went on to say ¹² —

” We will continue to work in partnership to deliver the recommendations of the additional support for learning action plan by March 2026, but, fundamentally, as Angela Morgan stated in her review, we cannot continue to view additional support for learning as a minority area or in a separate silo within the framework of Scottish education.

266. The Cabinet Secretary admitted there were challenges in relation to the aim of inclusion and the fact that pupils with ASN are more likely to be excluded. ¹⁶⁶

267. The Committee notes the comments from the Cabinet Secretary regarding attendance being an issue for all pupils. However, the disproportionate number of pupils with ASN being excluded must not be ignored. The Committee recommends that further work be undertaken by the Scottish Government and COSLA, as appropriate, to understand a) the number of pupils with ASN currently being excluded; b) the number of pupils with ASN currently on a part-time timetable; c) the reasons for this; d) any trends emerging over time; and possible areas where children and young people can be encouraged to improve attendance at school.

268. The Committee considers issues around attendance to be a reflection of unmet need.

The use of remedies as set out in the 2004 Act

269. The session 5 Education and Skills Committee's [legacy report](#) stated that its successor committee may wish to explore "the operation of and access to ASN tribunals". This inquiry has been drawn more widely, and as post legislative scrutiny of the 2004 Act, it looked at the range of statutory remedies open parents and carers and pupils in relation to ASL as set out in the Act and how these provisions are working in practice.
270. The second theme of the inquiry explored how parents and carers and young people are included in the decisions on the ASL being provided and the level of awareness among them of the statutory remedies around the provision of ASL, specifically—
- Right to have a 'supporter' present in discussions or an 'advocacy worker' make representations to the local authority; the local authority does not have to pay for this. (s.14)
 - Right to an advocacy service, free of charge, for those taking cases to the Additional Support Needs Tribunal (s.14A)
 - Independent mediation, free of charge (s.15)
 - Independent adjudication, free of charge (regulations under s.16)
 - A Tribunal for certain issues involving co-ordinated support plans, placing requests and disability discrimination cases under the Equality Act 2010.
271. The Committee mainly focused on the role of the Tribunal and access to the Tribunal; however it also explored other statutory remedies available such access to a supporter, advocacy, mediation and adjudication.
272. The Scottish Government funds Enquire and the Education Law Unit at the Govan Law Centre. Enquire is the Scottish advice service for ASL and is managed by Children in Scotland. It offers advice and information to children, young people, parents, carers and professionals about children's rights to ASL. Govan Law Centre works in partnership with schools, education authorities, parents' groups and charities across Scotland on the rights of children with additional support needs and those of their families.
273. The My Rights, My Say service is a partnership between Enquire, Children in Scotland, Partners in Advocacy and Cairn Legal. It is the statutory support service required by Section 31A of the Education (Additional Support for Learning) (Scotland) Act 2004. This includes a Children's Views Service, legal advice and representation service and an advocacy service.

Advocacy and parental and pupil involvement

274. Involving parents and carers and pupils in the decisions around their education and support is good practice and is expected for all pupils. Salvesen Mindroom Centre

said that there is “variable practice across, and even within, local authorities” in relation to including families and learners in decision-making. It said, “strong leadership and effective communication between schools and families were key factors in determining positive outcomes for children with ASL”.¹⁶⁷

275. The Scottish Public Services Ombudsman (SPSO) said that the 2004 Act “aimed to provide user friendly and straightforward routes” for dispute resolution and remedies. It continued¹⁶⁸ —

” It is not clear to us, however, that the multiple processes, have met their aims. Although the processes in place for ASL mean that SPSO should not be seeing ASL issues coming through the mainstream complaints process, over the years we have been contacted by parents who have not been provided with the information they need about the options available to them when they wish to either challenge decisions or are struggling to access support.

276. Susan Quinn spoke of how parents and carers of pupils with complex needs are encouraged to be involved in discussions about their children’s education, and how they are informed about their rights to support, dispute resolution and legal remedies, such as tribunals. She said¹⁶⁹ —

” Where there is good practice, schools will have developed positive relationships with parents in order to engage with them and fully support them, and to make sure that they are as well informed as possible. The school might signpost them to other areas of support if something is beyond what the school’s advocacy role can provide. We can direct people to social work and to provisions under disability legislation. In cases of dispute, local authorities have complaints processes. If a parent wants to raise a complaint, they will be informed about the local authority’s complaints process, including with regard to whether a case should go to tribunal. Those processes should be clear in every local authority.

277. However, the Committee heard numerous cases where this was not the case, particularly from many parents and carers who responded to the call for views.

278. Suzi Martin spoke of the issues families faced in accessing remedies as set out in the Act. She said¹⁷⁰ —

” ...we hear every day from families who are fighting the system and are fighting tooth and nail for the support that they need. It should not be that way. It should not be the case that redress is so difficult to access. It should be much easier for families and for children and young people to access...Seeking redress through a tribunal route is a very daunting task for families. The point is that it should not be getting that far in the first place.

279. Mathew Cavanagh stressed the importance of communication and the relationship with the family and commented on the fact that some families are better equipped in accessing their legal rights which can lead to decisions being made not always being equitable.¹⁷¹

280. Chloe Minto said that parents and carers are not always made aware of their services and suggested that it would be beneficial if local authorities were required

to make parents and carers aware of this service when issuing refusal letters. She said ¹⁷² —

” They are required to make parents aware of their right to appeal, but they are not required to make them aware of our free service, and I think that, if they were, that would be extremely beneficial. That needs to be looked at.

281. Deborah Best spoke of the financial barriers faced by some families in seeking legal remedies as set out in the Act and suggested there should be access to free legal representation when school placements are refused or when there is disability discrimination. She stated ¹⁷³ —

” We see many families who are eligible for legal aid and can follow that course, but those in the middle, who are on a modest income, cannot afford it. It was reported to us recently that a parent wanted to challenge a placement request refusal but it would cost them £4,000. They did not have that money. People are being locked out and are unable to take matters forward legally.

282. Suzi Martin highlighted that, despite there being awareness of the legislation in relation to the right to access advocacy, mediation and adjudication within the autism community, many families are not aware of these rights and may not have the financial resources to access them. ¹⁷³ Irene Stove echoed this point, referring to the support and advice available from Enquire. She said ¹⁷⁴ —

” I am always amazed that, even though there are leaflets in schools and we tell parents about the support that is out there, there are still parents who are oblivious to the support from Enquire.

283. David Mackay echoed the concerns around parents and carers having to fight for their children’s rights and argued poor communication was often a factor. He said ¹⁷⁵ —

” Tight resources limit the time that teachers or support workers have for communication, planning and working together effectively, and that leads to a culture in which it feels like there is a fight between parents and staff, rather than them working together.

284. Marie Harrison echoed the importance of communication and said there was lack of training on developing meaningful communication with families. She said ¹⁷⁶ —

” We work very hard on that in the My Rights, My Say service. If you want to build positive relationships with families and parents, you need to start by building a positive relationship with the child. In order to build a positive relationship with a child that has additional support needs, you need to invest a lot of time and you need a level of expertise around how to communicate in positive way.

285. Marie Harrison highlighted that My Rights, My Say is only available in relation to 12 to 15 year olds despite there being a demand for the service outwith this age group. She spoke of a pilot with the Tribunal where pupils outwith this age range can share their views with the Tribunal. She said ¹⁴¹ —

- ” We have heard from the tribunal that it is hugely helpful. That gives us a clue as to the need for wider advocacy support for the cohort of children who did not have rights extended to them by the amendments to the 2004 Act that were made by the Education (Scotland) Act 2016.
286. Dinah Aitken spoke of the benefits of home-school partnerships when identifying the needs of a pupil with ASN where families have lost faith in the system and do not believe the school can provide the right support for their child. She stated ¹⁷⁷ —
- ” One way to achieve better home-school relationships is to provide more time for teaching and educational staff in school to spend time with the families. Often, it is a matter of asking what the child needs. You do not need to wait for a diagnosis—you could have a discussion with the family, the child or the young person, and they can indicate what would make a difference and what would work better in the school. Teaching staff simply do not have enough time to spend on home-school communication and building those relationships—it goes back to relationships—with families.
287. Chloe Minto highlighted that some local authorities send out refusal letters that are not in the first language of the recipients despite having information regarding people's first language and that this can mean that they lose their right to appeal. ¹⁷²
288. Dr Binnie acknowledged that communication with parents and carers could be improved saying ¹¹ —
- ” There are things that local authorities could do better, and are trying to do better, to ensure that our communication with parents and carers is written using language that they understand; that they understand their rights and the remedies that are available to them; and that, first and foremost, we put relationships at the heart of all that work.
289. The Committee asked how the ASL Action Plan has outlined steps to improve communication and engagement between local authorities and families and Laura Meikle spoke of the Enquire service and the translation of the Code of Practice into a parents guide by Children in Scotland. ¹⁷⁸
290. The Cabinet Secretary highlighted the Scottish Government's commitment to simplify the support information available to parents and carers. She said ¹⁷⁹ —
- ” ...the landscape is quite cluttered as far as the support available to parents is concerned, and one of the actions in the action plan is to simplify that. After all, there is a range of support available— there is the let's talk ASN service, the support for children and young people, the Enquire service and so on—and we need to pull all of that together and signpost parents to ensure that they get the support that they need and to prevent escalation, which in turn brings us back to the point about the tribunal service.
291. The Committee was concerned to hear of the poor communication with families in relation to parents' and carers' and pupils' rights and parental and pupil

involvement in the decision-making process. The Committee notes the concerns from some witnesses that time was a factor in staff supporting best practice communications in this area.

292. The Committee welcomes the support provided by the Scottish Government particularly in relation to the Enquire service, however notes the acknowledgement that the current landscape is 'cluttered'. The Committee welcomes the commitment by the Cabinet Secretary to simplify this and looks forward to seeing this in the updated ASL Action Plan which should also include details of best practice in relation to communication with families regarding parents' and carers' and pupils' rights and involvement in the decision-making process.

Health and Education Chamber of the First-tier Tribunal for Scotland (The Tribunal)

293. The Additional Support Needs Tribunals for Scotland was established by the 2004 Act. It is now known as the Health and Education Chamber of the First-tier Tribunal for Scotland (the Tribunal). The Tribunal can hear cases in relation to certain duties under the 2004 Act (known as references) and disability discrimination claims (known as claims) under Schedule 17 of the Equality Act 2010. The Tribunal's submission commented on the operation of a number of legislative provisions.
294. Tribunals are specialised bodies which adjudicate on disputes or claims, often in relation to governmental decisions taken in respect of a specific area of law or policy. In comparison to courts, their processes and procedures are often intended to be relatively informal, and they are generally less adversarial.
295. The Scottish Tribunal's Annual report for 2022-23 stated that in that year, the Tribunal "saw a sharp rise in applications with a total of 202, the highest in any reporting year". The report continued ¹⁸⁰ —
- 193 applications were submitted by a parent or guardian. Eight were submitted by a child, the highest in any reporting year. One was submitted by a young person.
 - Nine applications involved a child or young person who is 'looked after' by their local authority.
 - The majority gender remains male.
 - Autistic Spectrum Disorder (ASD) remains the highest single additional support need reported (in a total of 134 applications).
 - Disposals of applications have increased month on month - with a total of 183 applications with an outcome in this reporting year.
296. Under the 2004 Act, the Tribunal can hear references in relation to—

- placing request refusals
 - coordinated support plans
 - school transition
297. May Dunsmuir highlighted that following the pandemic, there has been a dramatic rise in the number of placing request applications to the Tribunal and this year there has been a slight increase in the number of transition applications relating to post-school transition.¹⁸¹ She commented that the majority of children and young people who are contact the Tribunal are autistic.¹⁸²
298. Govan Law Centre said that the Tribunal is working well and the “expertise of the Tribunal is invaluable in terms of determining decisions in relation to children and young people with additional support needs.”¹⁸³
299. Some local authorities pointed out that the use of the Tribunal service should be a last resort and that it can contribute to an adversarial relationship between the local authority and their staff and parents and carers. Chloe Minto argued that education authorities were not always aware of their duties under the Act and said, once they are made aware, adjustments are put in place and do not end up in a Tribunal.¹⁸⁴

Access to the Tribunal

300. The Committee considered access to the Tribunal and heard that, under the Act, having a co-ordinated support plan (CSP) was the only legal way to access Tribunal services or through equalities legislation. CSPs are discussed later in this section. Megan Farr argued that there was a 'massive hole' in terms of access to the right to remedy for additional support needs. She said that the Tribunal is only available to a very small number of people: either those who qualify for a CSP or those who raise a disability discrimination case.¹⁸⁵
301. The Committee was interested in who accesses the Tribunal and how this is monitored in terms of socioeconomic or other characteristics, however it heard that the Tribunal did not collect equality data on this.
302. Chloe Minto described the monitoring processes the Govan Law Centre has to determine who is accessing their services and said that this information is reported to the Scottish Government. She confirmed that the majority of cases were quintiles 1 and 2 of the Scottish Index of Multiple Deprivation.¹⁸⁶
303. The Committee heard about the work done by the Tribunal to ensure that its services are accessible and child and young person centred which involved speaking directly to children and young people with ASN in the development of their processes. It also liaises with relevant agencies, parents and carers and education authorities on guidance and information produced and checked by the Tribunal. May Dunsmuir told the Committee¹⁸² —

” We first asked the children whether they would like to come to a hearing and then, depending on the answer to that, we asked what the hearing should look like. Everything that flowed thereafter came from children’s direction.

304. The Committee received a joint submission from Enquire and My Rights, My Say which stated it had “worked collaboratively with the Tribunal to ensure that the process is accessible and child-centred”.²⁸
305. May Dunsmuir highlighted the fact that despite the rise in the number of pupils with ASN who do not have favourable outcomes, the use of the Tribunal service is still relatively low and suggested that this is because its services are not well known. She said¹⁸⁷ —
- ” The position does not stack up when I look at the facts. I think that the jurisdiction is not as well known as it ought to be. Much more could be done in order to promote the fact that we exist as well as who can access the service.
306. In terms of accessing the Tribunal, May Dunsmuir was open to being flexible saying¹⁸⁸ —
- ” My approach in the tribunal, and that of the judicial members, is that anything that is possible is possible. In other words, we are sufficiently flexible to make a tribunal look and feel as it needs to in order to ensure that access to justice is possible and that we gain the best evidence.
307. On whether legal aid lawyers were available for tribunal processes May Dunsmuir confirmed that legal representation available free to parents and carers and pupils via let’s talk ASN, which is provided by the Govan Law Centre and from the My Rights, My Say service. In addition, people can seek representation from national agencies, the National Autistic Society, or the Equality and Human Rights Commission.¹⁸⁹ She highlighted that parties do not need legal representation in the Tribunal proceedings but went on to say¹⁸⁹ —
- ” This is such a complex jurisdiction. The law is inordinately complex, and the sheer nature of a child or young person’s additional support needs and the impact that it has on their family is incredibly complex. I can therefore see why most representatives are now legal representatives.
308. When asked why under the 2004 Act, 12 to 15-year-olds are subject to capacity and wellbeing tests, whereas claims under the Equality Act 2010 do not involve those tests, May Dunsmuir said this was an anomaly. She went on to say¹⁹⁰ —
- ” Given that the tribunal is a children and young people-centred jurisdiction and that my job is to improve access to the jurisdiction and to remove barriers, I do not think that statutory barriers are always helpful.

Co-ordinated Support Plans

309. Local authorities have a statutory duty to put in place a CSP if the statutory conditions are met. These are that a child has longstanding ASN arising from one or more complex factors or multiple factors which require significant additional support to be provided by more than one service. The statutory guidance on the 2004 Act states that local authorities must “seek and take account of the views of children and their parents, and young people themselves” throughout the process of determining whether a CSP is required and then developing the CSP.

310. The Scottish Government 2023 pupil census reported that of the 259,036 children who had an identified additional support need, 1,318 had a CSP, 33,322 had an Individualised Educational Programme, and 52,016 had a Child's Plan. Pupils could have more than one plan.⁴⁵

311. The only statutory plan is the CSP which provides rights to legal redress and access to the Tribunal. The National Deaf Children's Society called for clarity around ASL plans saying¹⁹¹ —

” Participation and transparency should be at the heart of making Getting it right for every child (GIRFEC) work for deaf children and their families, but all too often parents and deaf children tell us they aren't given the information to make GIRFEC work. In particular, planning processes and the relationships between ASL plans including both IEP and CSPs, and the other plans such as health plans in the umbrella GIRFEC single child's plan needs to be made much clearer

312. The Tribunal's submission said that “one area in which there is a barrier to accessing a remedy is in the definition of, and knowledge around, a [co-ordinated support plan]”. The ASN Tribunal can provide remedies around the development of CSPs. It suggested that the statutory criteria for CSPs should be relaxed. It stated¹⁹² —

” The criteria for entitlement to a CSP are set out in section 2 of the 2004 Act. These criteria are very narrow and restrictive. Following a recent Upper Tribunal decision on those criteria, it has been confirmed that it is not enough for the child or young person to require significant additional support overall for a CSP to be required; they must require significant additional support of an education type and significant additional support of a non-educational type. It is not obvious why this should be, or why Parliament intended this when framing the criteria (assuming that this was their intention).

313. Local authorities identified the planning mechanisms as important for both supporting the identification of needs and the interventions to be put in place, but also supporting relationships with families. However, views on the planning mechanisms from parents and carers were mixed with some saying regular child plan meetings are helpful and others saying it can be frustrating when the plan is not adhered to or delivered as agreed with the parent and pupil. One educator told the Committee¹⁹³ —

” I have worked with children for over thirty years. There used to be a very effective system where a multi-disciplinary team, including an Educational Psychologist and Clinical Psychologist worked with the child and their family to ensure their needs were met. I find that the present system for planning to meet children's needs, is over complicated, time consuming, disjointed and ineffective. We seem to be trying to fit children with additional needs into the provision we have, instead of providing provision which matches the needs of the children.

314. Mike Corbett told the Committee that only 0.2% of pupils with ASN have a CSP.¹⁹⁴ The Committee heard of the difficulty for many pupils obtaining a CSP was due to the fact that these plans require the involvement and input from a number of

services. Matthew Cavanagh echoed this point.¹²⁰ Peter Bain commented¹⁹⁴ —

” If strong local partnership working is going on, CSPs are more likely to happen and to be progressed more effectively at the practical level. If such working is not happening locally, CSPs are often not progressed as they should be, because authorities cannot get partners to agree who will do what.

315. The small number of pupils with ASN having CSPs was a result of a lack of partnership working according to Peter Bain who also said¹²⁰ —

” The numbers of educational psychologists have been cut severely in all areas, too, so we also lack professional-level facilities for diagnosis. People are having to wait for the opinions of educational psychologists, which are essential to constructing CSPs. That is one reason for the delays.

316. Matthew Cavanagh made the point that very few of the pupils who had a CSP saw any significant difference in the provision that they received, a point which Susan Quinn agreed with.³⁶

317. Irene Stove also questioned the benefits of CSPs and why there are so few in place. She said¹⁹⁵ —

” There are so few CSPs in place because, from a schools point of view, the individualised educational plan gives direct support, within which there might be specialist support, and the child’s plan, which is normally multi-agency, also provides a lot of support. A CSP is just another plan. Normally, children who are in receipt of a CSP have those plans already, and the CSP is just co-ordinating what supports are already in place—it does not add anything to them. Without wanting to land people in it, it is a lot more work for very little benefit.

318. However, Dinah Aitken said the lack of CSPs was a source of frustration. She said¹⁹⁶ —

” ...people think that they do not need a CSP because they have a child’s plan. In fact, if you meet the threshold for a CSP, you are entitled to a CSP... However good the plan is, if there is no real accountability for delivery of what is in the plan, it will not take us far enough, fast enough.

319. May Dunsmuir, highlighting that the CSP is the only statutory education plan, said the law was clear on this—⁶⁷

” The idea that you can choose whether to have a CSP is misconceived, because that is clearly not the case. The law is clear. There are criteria and, if those are met, there should be a co-ordinated support plan.

320. She did however make the point that difficulties arise when all the agencies involved do not comply with the requirements set out in the Act. She said¹⁹⁷ —

” There are regulations that impose duties on those agencies, but if they do not comply, at the moment the only route to the tribunal is to ask for the president’s power to monitor to be triggered.

321. Chloe Minto highlighted that in the past five and a half years, Govan Law Centre has had 58 cases on CSPs going to the Tribunal, relating to failure to implement and the content of the CSP. She said ¹⁹⁸ —
- ” We are constantly in a state of wondering where the co-ordinated support plans are and what on earth is going on. Those plans provide rich remedies and rich conversations, and they engage parents and children. We need to remember that they are not discretionary—if a child qualifies for a plan, it must be in place.
322. Megan Farr argued that the legislation is being interpreted extremely narrowly in relation to CSPs. She made the point that although there are many different types of plan including Individualised Education Plan, child’s plans and my world plans, they do not provide an effective right to remedies as set out in the Act. She also highlighted that pupils move in and out of eligibility for a CSP in relation to having input from one or more appropriate agencies. When asked if the CYPCS had a view as to whether change to the legislation was required in relation to CSPs, Megan Farr said ¹⁹⁹ —
- ” There needs to be some form of right to remedy if a child is not getting the additional support to which they are entitled. Regardless of whether they meet the criteria for a CSP, in whatever way that is interpreted—in that regard, the code of practice is being reviewed and there is an opportunity for the guidance to make clear how it should be interpreted, which could broaden the approach—there has to be an avenue through which that right to remedy can be accessed by children and their families.
323. Dr Binnie made the point that the criteria for a pupil qualifying for CSP is an issue. She explained that the need for education to be co-ordinated across multi-agency partners and that support from one or more other agencies outwith education services for longer than a 12- month period is required often means that a pupil does not meet all the criteria for a CSP. She said ²⁰⁰ —
- ” From an ADES perspective, therefore, we are concerned, and we feel strongly that there should be statutory plans that give legal recourse—of course we do. We feel very clearly that the issue is specifically with the criteria for co-ordinated support plans.
324. When asked if the criteria regarding the requirement for 12-month multi-agency support could be addressed through the revised Code of Practice, Dr Binnie said "I think that there would need to be a legislative approach." ²⁰⁰
325. Vivienne Sutherland also agreed that the criteria for CSPs is a barrier not only in terms of the requirement for 12-month multi-agency support, but also the reliance on other agencies to respond with details of what they plan to do that would require co-ordination and what that specific support will be. She argued that families should not be denied the option of legal redress, regardless of whether they have a CSP. ²⁰¹ She also made the point that the GIRFEC legislation requires children to have one type of plan which does not match the criteria set out for a CSP. She said ²⁰¹ —

” In Fife, we have far more children with child’s plans than with CSPs, because you can put a child’s plan in place if those in the small team around the child agree that there is a level of planning that they want to record. There are no criteria to meet, other than that they have decided that they want to write down the child’s assessed needs and what they will put in place. Those plans are easy to open, are flexible and can expand or contract.

326. Laura Mickle confirmed the criteria for CSPs is such that coordinated multi-agency support is required and that support requires to be “significant” and long term. She suggested the Code of Practice could be amended to provide further clarity on meeting the criteria which relates to multi-agency involvement. When asked whether the Scottish Government would consider revising the criteria for CSPs, the Cabinet Secretary replied ²⁰² —

” I think that we are open to revising the specifics in that regard.

327. When asked about the range of plans available pupils and whether a more consistent and holistic approach should be adopted, the Cabinet Secretary said ²⁰² —

” ...the range of different plans on offer just now is extraordinarily confusing for parents, and for young people, too...Currently, there are real challenges with regard to the range of plans that a young person might have, and I think that we will need to set that out more clearly in the action plan with local authorities.

328. When asked if it was GIRFEC compliant that other plans have to be in place before a pupil can get a CSP, the Cabinet Secretary replied ²⁰² —

” I think that the committee has been looking at United Nations Convention on the Rights of the Child compliance in some of our work in this respect, and we will seek to update the committee on that in our action plan update. I am happy to take away the point about GIRFEC...

329. The Committee agrees that the use of the Tribunal should only be adopted as a last resort and that ideally, decisions about additional support for children and young people should be discussed and resolved as early as possible and led by parents and carers and those delivering support. However, where this breaks down, it is imperative that families have access to the Tribunal, and are able to source appropriate legal support to assist them, regardless of their financial situation.

330. The Committee commends the work being done by the Tribunal in making the process accessible and person centred and involving children and young people in the development of processes and materials.

331. The Committee notes that Co-ordinated Support Plans (CSPs) are the only plans that provide a statutory right to remedy.

332. The Committee also notes that the number of children and young people with a CSP is extremely small and the criteria set out for qualifying for a CSP is creating

a barrier to pupils and parents and carers being able to access the Tribunal.

333. Furthermore, the Committee notes the views of the Tribunal that the statutory criteria for CSPs should be relaxed. The Committee agrees with this view and asks the Scottish Government to consider whether the restrictive nature of access to the Tribunal is UNCRC compliant.
334. The Committee considers that all children and young people should have access to remedies and that access to the Tribunal should be open to everyone. The Committee recommends that the Scottish Government, in discussion with the Tribunal, considers what amendments to the 2004 Act should be made to widen the routes of access to the Tribunal including, but not limited to, relaxing the statutory criteria for CSPs.
335. The Committee notes the evidence related to the complexities associated with a range of plans used in schools to support pupils with ASN and the individual merits of these other plans.
336. The Committee recommends that the ASL Action Plan is updated to provide further clarity on the use of plans to support pupils with ASN including where certain plans are appropriate and their relative merits in each situation. It should also consider the compliance of these plans with GIRFEC and the UNCRC.

Mediation

337. Witnesses referred to other options for parents and carers when in dispute with the local authority. Mediation was suggested as a preferred option rather than resorting to the more formal Tribunal option.
338. The Code of Practice states that the 2004 Act requires every education authority to have independent mediation services in place for resolving disagreements. It states ²⁰³ ___
 - ” Mediation is available only where the disagreement relates to the authority’s exercise of their functions under the Act.
339. Children in Scotland explained that it managed Resolve, an independent mediation provider for fifteen local authorities, with the most common reason for referrals to mediation being school placements. It stated ²⁰⁴ ___
 - ” The service is used to build trust and understanding to promote and support effective relationships and good communication between schools and the families of children with additional support needs.
340. In its submission, the Tribunal pointed out that mediation was common in Tribunal proceedings and cases are regularly suspended to allow mediation to take place. It stated: "Where mediation is successful, that will usually lead to the withdrawal of the reference/claim; where not, the case will resume and move to a hearing." ²⁰⁵

341. David Mackay called for parents and carers to have greater access to advocacy and mediation services and said that support must be given throughout those processes.²⁰⁶ Govan Law Centre said that it “strongly advises” parents to take up mediation and that mediation often leads to evidential hearings being avoided.²⁰⁷

342. Enquire said that there was variability across local authorities in relation to access to mediation services. It stated²⁰⁸ —

” Several local authorities do not commission a specific mediation service, and some of these therefore require parents to directly contact the local authority (whom they often in conflict with) to request independent mediation. This can create a significant additional barrier in some situations, and results in some parents and carers questioning the independence of the process.

343. The use of mediation services was also advocated by the Cabinet Secretary who said²⁰⁹ —

” A number of interventions can be made—for example, mediation is often a really good way of resolving some of the challenges. Parents should not be having to escalate their case to the tribunal process, which can cause them—and, of course, their child—a great deal of stress.

Adjudication

344. As set out in the Code of Practice, the 2004 Act enables the Scottish Ministers to require education authorities to put in place procedures to resolve disputes which arise between the authority and any parents and carers, eligible children or young people regarding the authority's exercise of any of their functions under the Act, as prescribed in Regulations. It states²¹⁰ —

” The Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005, prescribe which disputes, relating to particular functions of the authority under the Act, will be capable of reference to dispute resolution and timescales for the process.

345. The use of independent adjudication was not mentioned by local authorities in their responses to the Committee. When asked why this would be the case, Nicola Dickie stated²¹¹ —

” In the public sector in Scotland, we are crystal clear that things should be resolved at the lowest possible level. I do not think that we should be looking for a system that pits parents against local authorities, given that we are looking for good outcomes for children... I am a big fan of devolving things and sorting problems at the lowest possible level, while recognising that there is a need for independent adjudication and a need to ensure that parents are aware that it is there.

346. Kerry Drinnan also made the point that most disputes are related to placing request decisions which are more likely to go to the Tribunal rather than independent adjudication.²¹²

347. The Committee heard that the right to independent adjudication was underused and Marie Harrison suggested that this was because of the complexity of the process.
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348. My Rights, My Say said that those seeking independent adjudication have often "been frustrated by the education authority's refusal to progress the referral under the catch-all "otherwise unreasonable" provisions (Reg 4(3) of the Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005)." It stated ²⁰⁸ —
- ” As this can be exercised entirely at the authority's discretion it can effectively act as a veto. This removes an otherwise useful remedy from children who wish to make use of their rights and can lead to matters escalating to even more formal and adversarial forms of dispute resolution unnecessarily. As the exception is contained within regulations, it would be straightforward for Ministers to remove or amend the exception.
349. Enquire argued it would be beneficial to simplify the process for those requesting independent adjudication such as removing the need for parents and carers to name the specific section of the ASL Act where they feel there has been a failure as this can be an additional and unnecessary barrier to their use. ²⁰⁸
350. Dr Binnie confirmed that the independent adjudication service is not used in the education system and that parents and carers are directed to the stage 2 complaint process rather than independent adjudication. She confirmed that local authorities would not put up any barriers to access to independent adjudication and said ²¹² —
- ” However, the onus is on the parent to make that request to the Scottish Government, and on the Scottish Government to contact the independent adjudicator in the local authority. At that point, the local authority would agree or disagree to going forward with independent adjudication. I would not think there would be any situations in which a local authority would not want that. An independent adjudicator would then be appointed and would look at the evidence on each side and give advice.
351. The Cabinet Secretary reiterated her view that the Tribunal was not the preferred option when in a dispute over child support provision and spoke of the other remedies within the 2004 Act, including making a complaint to the local authority, mediation and independent adjudication. She stated ²¹⁴ —
- ” The Tribunal should be the backstop; it is the last place where we want parents to end up. They should not have to go there, because a number of other remedies are open to them to consider with regard to resolving challenges with their local authority over support for their child...A number of interventions can be taken before the tribunal stage, and, through the ASL action plan, there is an opportunity for us to be clearer about them to ensure that parents know about them and their rights and that they should not have to escalate their case to the tribunal.
352. The Committee supports the use of mediation to resolve disputes between

parents and carers and local authorities and was concerned to hear of the variability across local authorities regarding access to mediation.

353. The Committee recognises the need for independent adjudication and notes the evidence suggesting that it is currently under used. There is a need to ensure that parents and carers are aware that it is an option.
354. The Committee was concerned to hear evidence of situations where the local authority can refuse to progress the referral to independent adjudication under the current Regulations.
355. The Committee considers that the Regulations allowing access to dispute resolutions under the 2004 Act are not well designed and create a gap in access to justice for parents and carers. The Committee recommends that the Scottish Government brings forward new Regulations to ensure greater access to these remedies as set out in the 2004 Act.

Annexe

Extracts from the minutes of the Education, Children and Young People Committee, participation sessions and associated written and supplementary evidence

[6th Meeting, Wednesday 21 February 2024](#)

Additional Support for Learning Inquiry: The Committee took evidence from—

- Susan Quinn, Convener, Education Committee, Educational Institute of Scotland (EIS)
- Mike Corbett, National Official (Scotland), NASUWT
- Peter Bain, Executive Head Teacher, Oban High School and Tiree High School, Tiree Primary School and Lismore Primary School and President, School Leaders Scotland
- Matthew Cavanagh, ASN Committee, Scottish Secondary Teachers Association (SSTA)
- Sylvia Haughney, Education Convener at Glasgow City UNISON branch, UNISON Scotland

Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 2.

Written evidence:

[Educational Institute of Scotland \(EIS\)](#)

[NASUWT](#)

[School Leaders Scotland](#)

[Scottish Secondary Teachers' Association](#)

[UNISON Scotland](#)

[Supplementary written evidence from UNISON Scotland](#)

[7th Meeting, Wednesday 28 February 2024](#)

Additional Support for Learning Inquiry: The Committee took evidence from—

- Deborah Best, Director, DIFFERabled Scotland
- Suzi Martin, External Affairs Manager, National Autistic Society Scotland
- Glenn Carter, Head of Scotland Office, Royal College of Speech and Language Therapists
- Dinah Aitken, Director of Development and External Affairs, Salvesen Mindroom Centre
- Irene Stove, Deputy Head Teacher and Committee Member, Scottish Guidance

Association

Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 1.

Written evidence:

[National Autistic Society Scotland](#)

[Royal College of Speech and Language Therapists](#)

[Salvesen Mindroom Centre](#)

[Scottish Guidance Association](#)

[Supplementary evidence from the National Autistic Society Scotland](#)

[8th Meeting, Wednesday 6 March 2024](#)

Additional Support for Learning Inquiry: The Committee took evidence from—

- May Dunsmuir, President of the Health and Education Chamber of the First-tier Tribunal for Scotland, First-tier Tribunal for Scotland

Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 2.

Written evidence:

[The Health and Education Chamber of the First-tier Tribunal for Scotland](#)

[9th Meeting, Wednesday 13 March 2024](#)

Additional Support for Learning Inquiry: The Committee took evidence from—

- Megan Farr, Policy Officer, Children and Young People's Commissioner Scotland
- David Mackay, Head of Policy, Projects and Participation and Marie Harrison, Senior Policy Officer – My Rights, My Say, Children In Scotland
- Chloe Minto, Senior Solicitor, Govan Law Centre

and then from—

- Antony Clark, Executive Director of Performance Audit & Best Value, Audit Scotland
- Dr Lynne Binnie, Chair of the ASN network, Association of Directors of Education in Scotland (ADES)
- Nicola Dickie, Director of People Policy, COSLA
- Kerry Drinnan, Education Service Manager, ASN Inclusion, Falkirk Council
- Vivienne Sutherland, Principal Psychologist, Educational Psychology Service, Fife Council.

Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 2.

Written evidence:

[Children and Young People's Commissioner Scotland](#)

[Enquire and My Rights, My Say](#)

[Children In Scotland](#)

[Govan Law Centre](#)

[Audit Scotland](#)

[Association of Directors of Education in Scotland](#)

[COSLA](#)

[Falkirk Council](#)

[Fife Council](#)

[10th Meeting, Wednesday 20 March 2024](#)

Additional Support for Learning Inquiry: The Committee took evidence from—

- Jenny Gilruth, Cabinet Secretary for Education and Skills
- Laura Meikle, Head of Support and Wellbeing Unit, Scottish Government
- Clair Henderson, Team Leader- Supporting Learners, Scottish Government

Evidence Session (In Private): The Committee considered the evidence it heard earlier under agenda item 1.

[12th Meeting, Wednesday 24 April 2024](#)

Additional Support for Learning Inquiry (In Private): The Committee considered and agreed a draft report.

Written submissions:

The Committee received a significant number of written submissions from organisations and individuals to the call for views which have been published on the website —

[Published responses](#)

[Published BSL responses](#)

[SPICe summary of responses](#)

Correspondence

At the outset of the inquiry, the Committee also wrote to all local authorities on their ASL provision. 25 responses were received and are published on the [website](#) as is a [SPICe](#)

[summary](#) of those responses.

The Committee wrote to the [Scottish Council of Deans of Education](#) and to the [Scottish Futures Trust](#). The responses are published on the website—

[Response from the Scottish Council of Deans of Education](#)

[Response from the Scottish Futures Trust](#)

Informal participation sessions

The Committee was keen to speak to people with lived experience of how the the 2004 Act is operating in practice. On 19 February 2024, the Committee held two participation sessions, one with young people and one with parents and carers. The Committee then held a further session with teachers on 4 March 2024.

[Note of ASL participation session with Inclusion Ambassadors, 19 February 2024](#)

[Note of ASL participation session with parents and carers, 19 February 2024](#)

[Note of ASL participation session with teachers, 4 March 2024](#)

- [1] Scottish Government. Summary statistics for schools in Scotland 2023. (2023, December 31). Retrieved from [https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-2023/pages/classes-and-pupils/#:~:text=Figure%202023%20Pupils%20with%20additional%20support%20needs%20\(ASN\)%20and%20English%20as%20an%20additional%20language%20by%20sex%2C%20Scotland%2C%202023%20%5BNote%201%5D](https://www.gov.scot/publications/summary-statistics-for-schools-in-scotland-2023/pages/classes-and-pupils/#:~:text=Figure%202023%20Pupils%20with%20additional%20support%20needs%20(ASN)%20and%20English%20as%20an%20additional%20language%20by%20sex%2C%20Scotland%2C%202023%20%5BNote%201%5D) [accessed 22 February 2024]
- [2] SPICe summary of responses to the call for views. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/spice-summary-of-responses-on-additional-support-for-learning-inquiry.pdf> [accessed 2024 February 22]
- [3] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [4] Scottish Government. Getting it right for every child (GIRFEC). (n.d.) Retrieved from <https://www.gov.scot/policies/girfec/> [accessed 27 March 2024]
- [5] Response from Aberlour. (n.d.) Retrieved from [Response 912899487 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 27 March 2024]
- [6] Additional Support for Learning - informal participation session with Inclusion Ambassadors, Monday 19 February 2024. Note of discussion. (n.d.) Retrieved from [ASL participation session with Inclusion Ambassadors \(parliament.scot\)](#) [accessed 2 April 2024]
- [7] Additional Support for Learning – informal participation session with parents and carers, Monday 19 February 2024. Note of discussion. (n.d.) Retrieved from [asl-note-of-discussion-with-parents-and-carers-19-february-2024.pdf \(parliament.scot\)](#) [accessed 2 April 2024]
- [8] Additional Support for Learning – informal participation session with teachers, Monday 4 March 2024. Note of discussion. (n.d.) Retrieved from [asl-note-of-discussion-with-teachers-4-march-2024.pdf \(parliament.scot\)](#) [accessed 2 April 2024]
- [9] Additional Support for Learning - informal participation session with parents and carers Monday 19 February 2024 Note of discussion. (n.d.) Retrieved from [asl-note-of-discussion-with-parents-and-carers-19-february-2024.pdf \(parliament.scot\)](#) [accessed 24 April 2024]
- [10] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 36. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [11] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 37. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [12] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 1. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]

- [13] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 10. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [14] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 6. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [15] SPICe summary of written responses to the call for views on Additional Support for Learning. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/spice-summary-of-responses-on-additional-support-for-learning-inquiry.pdf> [accessed 11 March 2024]
- [16] Response from the Commission on School Reform. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Commission+on+School+Reform&uuld=685962447 [accessed 11 March 2024]
- [17] Response from Govan Law Centre. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=enquire&uuld=144696339 [accessed 11 March 2024]
- [18] Response from UNISON Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=unison&uuld=349308744 [accessed 11 March 2024]
- [19] Response from AHDS. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=ahds&uuld=1057946375 [accessed 11 March 2024]
- [20] Anonymous response to the call for views. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=the+presumption+of+mainstreaming+is+a+wise+one+as+this+means+less+segregation+and+more+acceptance+of+those+with+additional+learning+needs+not+only+in+school+but+beyond&uuld=357419805 [accessed 11 March 2024]
- [21] Response from the Children and Young People's Commissioner Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Children+an&_b_index=120&uuld=116590567 [accessed 11 March 2024]
- [22] Response from Salvesen Mindroom Centre. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Commission+on+School+Reform&uuld=284326297 [accessed 11 March 2024]

- [23] Response from Govan Law Centre. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=govan+law+centre&uuld=144696339 [accessed 11 March 2024]
- [24] Response from Moray Council. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=moray+council&uuld=441867980 [accessed 11 March 2024]
- [25] Response from Aberlour. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Aberlour&uuld=912899487 [accessed 11 March 2024]
- [26] Response from Health and Education Chamber First-tier Tribunal for Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Tribunal&uuld=7187683 [accessed 17 April 2024]
- [27] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 19. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [28] Response from Enquire and My Rights My Say. (n.d.) Retrieved from [Response 835157945 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 4 April 2024]
- [29] Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, paragraph 72.. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 5 2024]
- [30] Anonymous response to the call for views. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=before+a+formal+diagnosis+no+reasonable+adjustments+&uuld=709008857 [accessed 11 March 2024]
- [31] Anonymous response to the call for views. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Where+a+child+starts+school+with+no+diagnosis%2C+it+can+take+a+long+time+&uuld=700084060 [accessed 11 March 2024]
- [32] Response from EIS. (n.d.) Retrieved from [Response 254926653 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 11 March 2024]

- [33] Response from Salvesen Mindroom Centre. (n.d.) Retrieved from [Response 284326297 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 12 March 2024]
- [34] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 15. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 19 March 2024]
- [35] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 60. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [36] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 21. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [37] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 16. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [38] Talking to your child's school about autistic masking. Enquire and National Autism Implementation Team.. (n.d.) Retrieved from <https://enquire.org.uk/3175/wp-content/uploads/2022/10/Talking-to-your-childs-school-about-autistic-masking.pdf> [accessed 28 March 2024]
- [39] Response from Mary Wisley. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=This+means+schools+are+being+asked+to+provide+support+on+the+basis+of+need+not+diagnosis+which+is+in+line+with+GIRFEC+&uuld=782112944 [accessed 15 March 2024]
- [40] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 13. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [41] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 15. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [42] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 5. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [43] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 62. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [44] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 63. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]

- [45] Pupil census supplementary statistics. (2024, March 19). Retrieved from <https://www.gov.scot/publications/pupil-census-supplementary-statistics/> [accessed 5 April 2024]
- [46] The statutory definition of a “special school” includes either a school or “any class or other unit forming part of a public school which is not itself a special school” but is especially suited to the additional support needs of pupils. The charts below show the number of special schools in Scotland and the number of pupils who spend none of their time in mainstream classes. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/spice-briefing-on-additional-support-for-learning.pdf> [accessed 27 February 2024]
- [47] Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, page 49, paragraph 81. Scottish Government.. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 28 March 2024]
- [48] Response from Enquire and My Rights, My Say. (n.d.) Retrieved from [Response 835157945 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 12 March 2024]
- [49] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [50] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 21. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [51] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 14. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [52] Response from Enable. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=enable&uuld=954058687 [accessed 12 March 2024]
- [53] Response from Cyrenians. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=Cyrenians&uuld=33033 [accessed 15 March 2024]
- [54] Response from The Royal College of Speech and Language Therapists. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=Royal+College+of+Speech+and+Language+Therapists&uuld=1055155695 [accessed 15 March 2024]

- [55] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 47. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [56] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 48. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [57] Response from EIS.. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=EIS&uuld=254926653 [accessed 11 March 2024]
- [58] Response from EIS. (n.d.) Retrieved from [Response 254926653 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 12 March 2024]
- [59] Anonymous response to the call for views. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=In+o+ur+area+there+is+no+special+school.&uuld=74893022 [accessed 12 March 2024]
- [60] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 11. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [61] Response from University of Glasgow Researcher Project: Exploring the Inequalities and Diversities in Disabled Young Adult Transitions. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Univ+ersity+of+Glasgow+&uuld=420875869 [accessed 12 March 2024]
- [62] Response from Aberlour. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=aber+lour&uuld=912899487 [accessed 12 March 2024]
- [63] Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, page 61. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 8 April 2024]
- [64] Response from Health and Education Chamber First-tier Tribunal for Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=First+tier+Tribunal+for+Scotland&uuld=7187683 [accessed 11 March 2024]
- [65] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 17. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 25 March 2024]

- [66] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 13. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [67] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 23. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 25 March 2024]
- [68] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 12. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [69] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 13. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [70] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 11. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [71] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 14. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [72] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 36. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [73] Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, page 23 paragraph 18. Scottish Government.. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 28 March 2024]
- [74] Response from The National Autistic Society Scotland . (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=National+Autistic+Society+Scotland+&uuld=525727165 [accessed 12 March 2024]
- [75] Response from Moray Council. (n.d.) Retrieved from [Response 441867980 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 12 March 2024]
- [76] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 28. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [77] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 34. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]

- [78] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 35. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [79] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 36. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [80] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 54. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [81] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 56. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [82] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 58. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [83] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 11. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [84] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 54-5 . (n.d.) Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/ECYP-13-03-2024?meeting=15760> [accessed 3 April 2024]
- [85] Letter to Peter Reekie, Chief Executive, Scottish Futures Trust, 29 February 2024. (n.d.) Retrieved from [asl-scottish-futures-trust-29-february-2024.pdf \(parliament.scot\)](#) [accessed 5 April 2024]
- [86] Letter from Peter Reekie, Chief Executive, Scottish Futures Trust, 29 March 2024. (n.d.) Retrieved from <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-education-children-and-young-people-committee/correspondence/2024/additional-support-for-learning-scottish-futures-trust-29-march-2024> [accessed 15 April 2024]
- [87] Letter from Peter Reekie, Chief Executive, Scottish Futures Trust, 29 March 2024. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/asl-scottish-futures-trust-29-march-2024.pdf> [accessed 5 April 2024]
- [88] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 17. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [89] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 16. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]

- [90] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 18. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [91] Response from COSLA. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=COSLA&uuld=1048965324 [accessed 3 April 2024]
- [92] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 28. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [93] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 27. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [94] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 27. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [95] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 10. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [96] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 9. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [97] Additional Support for Learning review: action plan - November 2022 update. (n.d.) Retrieved from <https://www.gov.scot/publications/additional-support-learning-review-action-plan-update-november-2022/> [accessed 8 April 2024]
- [98] Response from the Cross Party Group on Children and Young People. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=cross+party+group&uuld=257223153 [accessed 12 March 2024]
- [99] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 31. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [100] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 29. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [101] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 26. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]

- [102] Letter from the Convener to Scottish Council of Deans of Education, 22 February 2024. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/additional-support-for-learning-to-dr-robertson-scottish-council-of-deans-22-february-2024.pdf> [accessed 3 April 2024]
- [103] Response from the Scottish Universities Inclusion Group, on behalf of Scottish Council of Deans of Education, 14 March 2024. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/response-to-ecyp-request-re-asl-march-2024.pdf> [accessed 3 April 2024]
- [104] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 30. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [105] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 22. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [106] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 4. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [107] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 5. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [108] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 25. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [109] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 8. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [110] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 18. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [111] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 24. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [112] SPICe briefing paper. Additional Support for Learning, 20 March 2024, page 6. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/spice-briefing-for-the-meeting-on-the-20th-march.pdf> [accessed 3 April 2024]
- [113] Response from NASUWT. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=NASUWT&uuld=197676533 [accessed 12 March 2024]

- [114] Response from EIS. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=EIS&uuld=254926653 [accessed 12 March 2024]
- [115] Response from Commission on School Reform. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Commission+&uuld=685962447 [accessed 12 March 2024]
- [116] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 16. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 19 March 2024]
- [117] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 13. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 19 March 2024]
- [118] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 17. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 19 March 2024]
- [119] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 22. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [120] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 20. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [121] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 23. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [122] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 37. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [123] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 40. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [124] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 40. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 3 April 2024]
- [125] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 25. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [126] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 42. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]

- [127] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 13. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [128] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 39. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 11 April 2024]
- [129] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 4. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [130] Additional Support for Learning Review Action Plan – Update November 2022, page 29. Scottish Government and COSLA.. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/11/additional-support-learning-review-action-plan-update-november-2022/documents/additional-support-learning-review-action-plan-update-november-2022/additional-support-learning-review-action-plan-update-november-2022/govscot%3Adocument/additional-support-learning-review-action-plan-update-november-2022.pdf> [accessed 28 March 2024]
- [131] Anonymous response. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=My+daughter+is+now+in+P1&uuld=786353538 [accessed 8 April 2024]
- [132] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 24. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [133] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 27. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [134] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 57. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [135] Education, Children and Young People Committee Stage 1 Report on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill. SP Paper 443 5th Report 2023 (Session 6).. (2023, October 5). Retrieved from <https://bprcdn.parliament.scot/published/ECYP/2023/10/5/27c15042-2e57-41a2-8e41-63cb9d83f315/ECYP062023R5.pdf> [accessed 21 March 2024]
- [136] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 2. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [137] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]

- [138] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 4. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [139] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 6. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [140] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 17. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [141] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 16. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [142] ASL note of discussion with parents and carers, 19 February 2024. (n.d.) Retrieved from <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/asl-note-of-discussion-with-parents-and-carers-19-february-2024.pdf> [accessed 18 March 2024]
- [143] Response from The National Autistic Society Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=National+Autistic+Society+Scotland+&uuld=525727165 [accessed 15 March 2024]
- [144] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 18. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [145] Response from Salvesen Mindroom Centre . (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Salvesen+Mindroom+Centre+&uuld=284326297 [accessed 15 March 2024]
- [146] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 16. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [147] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 7. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [148] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 9. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]
- [149] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 10. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 March 2024]

- [150] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 11. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 18 2024]
- [151] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 26. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [152] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 27. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [153] Anonymous response to the call for views. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=had+such+severe+anxiety+that%2C+after+lockdown&uuld=78227306 [accessed 15 March 2024]
- [154] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 5. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [155] Response from Children and Young People Commissioner Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=children+and+young+people+commissioner&uuld=116590567 [accessed 11 March 2024]
- [156] Response from the Cyrenians. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Cyrenians&uuld=33033 [accessed 12 March 2024]
- [157] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 20. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [158] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 64. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [159] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 65. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [160] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 7. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [161] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 12. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]

- [162] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 8. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 21 March 2024]
- [163] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 14 . (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [164] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 23. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [165] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 24. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [166] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 8. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]
- [167] Response from Salvesen Mindroom Centre. (n.d.) Retrieved from [Response 284326297 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 3 April 2024]
- [168] Response from the Scottish Public Services Ombudsman. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=SPS O&uuld=17826975 [accessed 4 April 2024]
- [169] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 40. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [170] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 44. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [171] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 42. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [172] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 15. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [173] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 45. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [174] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 46. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]

- [175] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [176] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 4. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [177] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 40. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [178] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 29. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [179] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 30. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [180] Scottish Tribunals Annual report 2022-23 . (n.d.) Retrieved from https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/scottish-tribunals-publications/scottish-tribunals-annual-report-2022-2023-.pdf?sfvrsn=1391bde5_2 [accessed 8 April 2024]
- [181] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [182] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 5. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [183] Response from Govan Law Centre. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=enquire&uuld=144696339 [accessed 3 April 2024]
- [184] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 3. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 3 April 2024]
- [185] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 2. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [186] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 25. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [187] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 7 . (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]

- [188] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 7. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [189] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 8. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [190] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 11. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 22 March 2024]
- [191] Response from National Deaf Children's Society. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=National+Deaf+Children%E2%80%99s+Society&uuld=690483859 [accessed 12 March 2024]
- [192] Response from Health and Education Chamber First-tier Tribunal for Scotland. (n.d.) Retrieved from [Response 7187683 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 3 April 2024]
- [193] Response from S Evans. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=I+have+worked+with+children+for+over+thirty+&uuld=682934376 [accessed 12 March 2024]
- [194] Education, Children and Young People Committee. Official Report, 21 February 2024, Col 19. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15724> [accessed 21 March 2024]
- [195] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 24. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [196] Education, Children and Young People Committee. Official Report, 28 February 2024, Col 24. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15731> [accessed 22 March 2024]
- [197] Education, Children and Young People Committee. Official Report, 6 March 2024, Col 26. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15746> [accessed 25 March 2024]
- [198] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 29. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [199] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 31. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [200] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 66. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]

- [201] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 69. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [202] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 31. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 27 March 2024]
- [203] Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, page 124. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 9 April 2024]
- [204] Response from Children in Scotland. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=children+in+scotland&uuld=736081644 [accessed 8 April 2024]
- [205] Response from Health and Education Chamber First-tier Tribunal for Scotland. (n.d.) Retrieved from [Response 7187683 to Your views on Additional Support for Learning \(ASL\) in Scotland - Scottish Parliament - Citizen Space](#) [accessed 8 April 2024]
- [206] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 17. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [207] Response from Govan Law Centre. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=enquire&uuld=144696339 [accessed 4 April 2024]
- [208] Response from Enquire and My Rights My Say. (n.d.) Retrieved from https://yourviews.parliament.scot/ecyp/additional-support-for-learning-views/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Enquire&uuld=835157945 [accessed 8 April 2024]
- [209] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 14. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 4 April 2024]
- [210] Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, page 126. (n.d.) Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/12/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/documents/00529411-pdf/00529411-pdf/govscot%3Adocument/00529411.pdf> [accessed 9 April 2024]
- [211] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 70. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]

- [212] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 71. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 26 March 2024]
- [213] Education, Children and Young People Committee. Official Report, 13 March 2024, Col 34. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15760> [accessed 25 March 2024]
- [214] Education, Children and Young People Committee. Official Report, 20 March 2024, Col 12. (n.d.) Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15776> [accessed 26 March 2024]

