

# Education, Children and Families Committee

10.00am, Tuesday, 23 January

## Response to the Enquiry into Additional Support for Learning

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 The Education, Children and Families Committee is asked to:
  - 1.1.1 Approve the City of Edinburgh Council officers' response to the inquiry into Additional Support for Learning by the Education, Children and Young People Committee of the Scottish Government.

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## Response to the Enquiry into Additional Support for Learning

### 2. Executive Summary

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- 2.1 This report provides the City of Edinburgh response by officers to the enquiry into Additional Support for Learning by the Education, Children and Young People Committee of the Scottish Government.

### 3. Background

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- 3.1 In October 2023, the Education, Children and Young People Committee of the Scottish Government launched an enquiry into the provision of Additional Support for Learning legislation and this report outlines the City of Edinburgh response.

### 4. Main report

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- 4.1 The Additional Support for Learning Act (2009) provides a strong legislative framework and the inclusive definition of additional support needs is a huge improvement on its predecessor and that which exists in neighbouring countries. The combination of a nationally recognised definition, resources allocation based on needs and GIRFEC principles ensure a strong focus on the child and young persons lived experience regardless of diagnosis or levels of complexity of need. The message that '*all learners matter and matter equally*' is loud and strong within Scotland's legislative framework.
- 4.2 The principles of the legislation in ensuring the widening of access to mainstream education must be celebrated and protected however, the associated guidance and code of practice is unhelpfully complex and challenging to implement in practice. The underpinning ethos of the legislation is to enable early identification of need and the deployment of strategies and resources to meet those needs early and effectively however, the key principles are increasingly lost in processes that are required to prioritise needs in order to allocate resources.
- 4.3 Where Additional Support for Learning works well pupils, parents and the wider school community play a key role in driving and leading. Overall, there is a good degree of progress, but it is inconsistent and fragile. Inclusive practice needs to be

consistent, embedded, and resilient. The Morgan report actions are sound and appropriate, and we need to focus our efforts in driving forward these recommendations.

- 4.4 In responding, the City of Edinburgh Council is aware that some of the information provided regarding the strengths and challenges of Additional Support Needs legislation and practice is conflicting. The reality is that the situation is both positive, negative and indeed varied across and within schools and individual's experiences. Scotland has come so far, yet we have far to go. Improvement will only be made with greater consistency and equity.
- 4.5 It is the conclusion of the City of Edinburgh officers that to take forward Additional Support Needs legislation we need:
- a relentless focus on learning and teaching;
  - everyone to understand that inclusion is children getting what they need as close to their typical experience as possible. That inclusion is not special schools. That inclusion applies equally in mainstream and special sectors;
  - to remember the question is **what works?** not **where works?**;
  - inclusive practice to be owned by education not by a subset of education within additional support needs or inclusion services or roles;
  - to continually invest in relationships between council officers, staff and parents and children/young people;
  - to focus on inclusion first, then on specific needs within inclusion. There is often a lot of energy spent on specific areas of need which can result in greater inequity and variability between and within local authorities. A child's needs should be met equally well regardless of whether they are currently in the public eye.

## 5. Next Steps

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- 5.1 The City of Edinburgh response to this enquiry has been submitted subject to committee approval.

## 6. Financial impact

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- 6.1 There are no financial implications contained in this report.

## 7. Equality and Poverty Impact

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- 7.1 Ensuring equality and removing the impact of poverty are embedded in all matters regarding Additional Support for Learning and feature within the response from The City of Edinburgh Council.

## 8. Climate and Nature Emergency Implications

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- 8.1 There are no climate or nature emergency implications contained in this report.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 There are no risk, policy, compliance, governance or community implications contained in this report.

## **10. Background reading/external references**

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- 10.1 Education (Additional Support for Learning) Scotland Act 2009  
<https://www.legislation.gov.uk/asp/2009/7/contents>

## **11. Appendices**

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- 11.1 Appendix 1 – The City of Edinburgh response to the Education, Children and Young People Committee enquiry into Additional Support for Learning – December 2023

## Appendix 1

### The City of Edinburgh response to the Education, Children and Young People Committee enquiry into Additional Support for Learning – December 2023

#### 1. Details on what parts of Additional Support for Learning provision are working well and what are not, and any reasons they can provide which might help to explain why aspects are working well or not.

##### 1.1 Details on what parts of Additional Support for Learning provision are working well.

Scotland should be proud of the strong legislative context that is inclusive, rights based and child centred. Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. Within Additional Support for Learning legislation, the ecological and contextual model of additional support needs and the inclusive definition of additional support needs is a huge improvement on its predecessor and that which exists in neighbouring countries. The combination of a nationally recognised definition, resources allocation based on needs and GIRFEC principles ensure a strong focus on the child and young persons lived experience regardless of diagnosis or levels of complexity of need. The message that *'all learners matter and matter equally'* is loud and strong within Scotland's legislative framework. National Inclusion, Engaged and Involved guidance, related procedures and professional learning resources have been co-created and developed with education professionals and are appropriate, detailed, and supportive and allow relatively consistent practice across Scotland.

There is great strength in the collaborative support and networking that takes place nationally through groups such as ADES and ASLO; there is a strong networked collegiality amongst professionals in Scotland that encourages and promotes sharing of effective practice and collaborative problem-solving.

There is increasing public awareness and understanding of additional support needs, disability and neurodiversity. The younger generation are being supported to grow up with much more inclusive attitudes and behaviours which will benefit inter-generational inclusion as they are our future teachers, education professionals and parents.

The presumption of mainstreaming enshrines the right of all children and young people with additional support needs to learn in mainstream schools and early learning and childcare settings. As a result, many more young people with a complex level of additional support needs are able to attend school in their local community. This promotes social inclusion, belonging and supports children's inclusion in the wider lifestyle of their area. They are more likely than ever before to build connections and relationships locally with partner agencies, amenities, peers and families.

Many school staff and leaders work hard to create an ethos of inclusion. In the main, collaborative working with partners to meet children and young people's additional support needs works well. Teams around the child, class, school or learning community is an effective way of enabling this support effectively, involving partners as appropriate. Support for learning, staged intervention and GIRFEC child planning

processes generally work well. Peripatetic services such as Educational Psychology Services and Additional Support for Learning outreach services are universally available and support schools to develop and sustain inclusive practice.

The majority of staff in schools embrace the concept of inclusion and are leading effectively in inclusive practice. As a result of the Morgan review, schools are improving their celebration of children's achievement and not just attainment. Some schools are offering a wider range of qualifications and awards that are achievable for children and young people with additional support needs. Initiatives such as dyslexia friendly and autism friendly environments and supports are relatively well established across settings.

The impact of the PROMISE and the care experience funding is making a real difference to the outcomes of children and young people who are care experienced and corporate parenting duties are well understood and supporting improved outcomes for our most vulnerable.

Education Scotland and HMIE inspections and thematic review tell us that the majority of senior leadership teams take a strong and effective ownership of inclusion and meeting the needs of their children and young people with additional support needs. Every day we see their creativity and energy in utilising a range of resources and partners. In these situations, the principles of GIRFEC work well and children, young people and families are well supported.

As strong universal services are developed school staff increasingly seek support from skilled and expert peripatetic staff such as Educational Psychologists and Additional Support for Learning outreach teams to support children and young people with much more complicated and complex needs. When schools can access quick and responsive support from partners they can better and more effectively meet the needs of children and young people.

## **1.2 Details on what parts of Additional Support for Learning provision are not working well.**

Scotland has excellent rights-based legislation that places the needs of children and young people at the heart of service delivery. The principles of the legislation in ensuring the widening of access to mainstream education must be celebrated and protected however, the associated guidance and code of practice is unhelpfully complex and challenging to implement in practice. The underpinning ethos of the legislation is to enable early identification of need and the deployment of strategies and resources to meet those needs early and effectively however, the key principles are increasingly lost in processes that are required to prioritise needs in order to allocate resources. The increase in Tribunal references across all Local Authorities in Scotland exemplifies the divide between the legislation and what can actually be provided and delivered in practice. Education Officers are routinely being subject to frustration, anger and disappointment on the part of parents who have high expectations of what should be available to meet the needs of their child.

The increase in Scottish Government funding to advocacy groups and legal advisors is welcomed and allows parents to know their rights under the ASL legislation. However, very little support, advice or resource is being provided to Local Authorities in dealing with such a complex plethora of legislation in an increased litigate context.

An example of this would be the criteria regarding a Coordinating Support Plans and the associated workload of school staff who are required to assess, implement, and review in accordance with the legislation; unfortunately, time and effort that does not necessarily result in active delivery of support to children and young people. This is especially the case in relation to support from partner agencies such as Speech and Language therapy and Child and Adolescent Mental Health who have significant reduced services over the last ten years. GIRFEC is relatively well established in schools however the interaction with colleagues in partner services can be challenging when different thresholds, understanding of need and principles are at play.

A further example of frustration would be the details and technicalities (including case law) regarding placing requests for specialist provision and the risks to Local Authorities with regards workload and resource allocation associated with placing requests to independent schools. For committed staff, trying their best to maintain their professional integrity within the complex legislative landscape can at times lead to a culture of blame, frustration, and a lack of trust in Local Authority decision making.

Within Local Authority budgets additional support for learning costs cannot be predicted and are often out with the control of officers leading to significant financial risk and pressure. The increasing demands for out with authority provision and the inclination of the ASN Tribunal to support parental placing request to independent schools is increasingly adding additional pressure; costs associated with out-with placements is the main budget overspend in most local authorities alongside transport. Independent school placements can cost anywhere between £70K and £180K per year with children and young people often remaining in placement for over 8 years. These placements cannot be predicted or planned.

Within the City of Edinburgh Council 43% of primary school pupils and 50% of secondary school pupils are recorded as having an additional support need. These needs are diverse and vary considerably in longevity, stability and complexity and require different types and levels of support from educators and partners. Across the City of Edinburgh Council there is an increasing level of need. This is evident in how children and young people demonstrate their needs through communication and behaviour as well as in levels of diagnosis. There is also increasing complexity of need which reflects trends across Scotland, compounded in the capital city. The City of Edinburgh celebrates diversity and inclusion and welcomes families with open arms however, the unpredictability of social migration can at times lead to significant pressures on resources and special school placements. Mainstream schooling and, where relevant, special provision is under intense pressure as the thresholds between mainstream and specialist provisions is now significantly different. This difference is not widely understood or recognised within the legislation or with parents and is leading to a great deal of upset and anger on their part.

The increased complexity of needs is placing pressure on the learning estate both in terms of capacity and suitability. Many physical school environments are not supportive for children and young people with additional support needs and this is the case within both mainstream and specialist sectors. In many schools there is a lack of physical space and challenges in being able to plan proactively for children and young people with increasingly complex needs. This is only getting more difficult with current budget challenges.

Children and young people with additional support needs are increasingly staying on in school for longer and nearly always beyond statutory education. This is placing additional stress on capacity in specialist provision. There is a small but steady increase in parents requesting Year 7 places (often pupils aged 18-20 years) to alleviate the need to move their child into adult services. Post school transition planning for children with learning disability and more complex needs is difficult due to resource limitations in adult services impacting significantly on education resources.

### **1.3 Reasons which might help to explain why aspects are working well or not.**

Where Additional Support for Learning works well pupils, parents and the wider school community play a key role in driving and leading. Overall, there is a good degree of progress, but it is inconsistent and fragile. Inclusive practice needs to be consistent, embedded, and resilient. The Morgan report actions are sound and appropriate, and we need to focus our efforts in driving forward these recommendations.

Currently schools are under a great deal of challenge as a result of many factors including COVID, strike action and staffing absence/recruitment. During the pandemic education staff delivered essential service but were not acknowledged or appreciated in the same way as health and social care staff e.g., not being prioritised for the covid vaccination program. As a result, many feel undervalued. The ongoing impact of the pandemic compounded by the cost-of-living crisis is having a negative effect on many staff especially support staff in schools. Staff absence and recruitment is undoubtedly adding pressure to the system.

A tension can exist at times between authority responsibilities and resourcing capacity and parental rights and expectations which can make collaboration and working with parents increasingly difficult. There is significant demand on Local Authorities from placing requests, legal disputes, and the ASN tribunal system. The influence of parental lobby pressure and advice groups is often counterproductive as it sets up adversarial relationships and can give parents unrealistic expectations which puts the council officers on the back foot. Parents often advise other parents that they need to fight the council to get what they need. We need to understand why people feel this way. What their experiences have been and how we can avoid propagating this adversarial atmosphere. Undoubtedly resourcing is at play here.

## **2. What are the barriers to supporting this provision?**

### **2.1 Staff**

Staff need to be supported with professional learning appropriate to meet the needs of the children they support. There is too much emphasis on information and knowledge acquisition. That is necessary but insufficient. Staff need opportunities to learn and practice together informed by implementation science and practitioner enquiry. This applies to teaching and non-teaching staff across all sectors. Professional learning is more of an issue now than ever as a result of the wide range and extent of additional support needs in our schools coupled with the increase in expectations of inclusive practice.



Recruitment challenges including staff retention is a major barrier that does not seem to be improving in the medium term. It is hard to retain skilled support staff due to the relatively low pay and intensive demands and the growing sense that the workforce is undervalued.

## **2.2 Estate**

The learning estate needs significant investment to meet the changing and complex needs of children and young people with additional support needs and disability. The needs of children with complex additional support needs are not always being prioritised in planning. Many older buildings are not of an appropriate quality or have inadequate facilities (e.g., lack of changing places toilets). There is a need for national investment to meet increased need across all sectors.

## **2.3 Curriculum**

The Curriculum for Excellence affords opportunities for the curriculum to be designed to meet the needs of the individual child. However, in reality children are often not offered curricular experiences and outcomes appropriate to meet their needs. Curriculum reform must be progressed as a matter of urgency especially in our secondary sector.

The pressure to raise attainment causes conflicting messages about inclusion for some schools. There is a tension between investing in support for children and young people with additional support needs and pursuing achievement with the emphasis on attainment data and national qualifications. Success looks different for everyone and a schools should be encouraged and celebrated for developing a curriculum that enables this.

## **2.4 Resource**

Within Local Authority budgets additional support for learning costs cannot be predicted and are often out with the control of officers leading to significant financial risk and pressure. Local Authorities cannot often plan for ASN tribunal decision or children and young people moving into area with complex needs. Legislatively Local Authorities are required to meet children and young people's needs however, fiscal responsibility also requires a balanced budget.

The ASN tribunal sometimes sends children out of their local authority to expensive out of authority schools and care homes. This requires significant financial resource. It is unclear what quality assurance is carried out on these decisions to see if the child's experiences and outcomes are improved as a result. Whilst there can be learning for local authorities from ASN tribunals it is often the case that the child would be better served within their local authority with a review of their needs and supports and in line with the principles of inclusion set out in legislation.

## **2.5 Social and political factors**

Inequity for those experiencing poverty and disability needs to be reduced at a social and political level so that educational support and resource has the best chance to benefit children and young people in those positions.

**3. Any examples of good practice in this area;**

As Angela Morgan highlighted there are people who “get it” and we need to amplify that and create more of those people. When staff “get it” so much more is possible for children and families. Thankfully in Edinburgh and across Scotland the majority of teachers, senior leaders and educational professionals “get it” and the majority of children and young people with additional support needs are having their needs met and met well. There are too many examples of good practice in the area of inclusion to note. When learning and teaching taking into consideration the needs, interests and strengths of children and young people as well as their areas for development we see improved outcomes and success.

The PROMISE has had a positive effect on the language used in education and the motivation and impetus to do better for our care-experienced children and young people. The City of Edinburgh Council is having success in supporting their care experience children and young people are there are signs that this is leading to improved outcomes, attainment, and positive destinations.

**4. How does the authority support good relationships with parents and young people, especially where there are disagreements around the provision of additional support for learning and reach collaborative agreement**

There are strong links between senior officer and school leadership teams to understand children and young people’s needs and views and communicate with parents. The City of Edinburgh Council rely of mediation supported by their independent mediation service. This allows senior manager to listen to the views of parents and children and make informed decisions based on the best interests of children.

**5. How many placing requests have been made over the last 5 years by parents or carers wishing that their children be educated in a specialist Additional Support Needs (ASN) unit or school. And how many placing requests have been made by parents or carers wishing their children to be educated in a mainstream setting as opposed to a specialist ASN setting. The Committee would be grateful for the total numbers, along with the numbers of requests refused and agreed.**

School Year	Total Placing Requests for Special School or Unit	Refused	Agreed
2018/19	189	22	167
2019/20	207	29	178
2020/21	250	65	185
2021/22	260	82	178
2022/23	268	83	185
Totals	1,174	281	893

The City of Edinburgh Council does not record statistics for placing requests made by parents or carers wishing their children to be educated in a mainstream setting as opposed to a specialist ASN setting where the placing request was granted.

In the past five years, the Council has a record of just one child whose parents made a placing request for mainstream school which was refused and whose parents appealed against this refusal to the Council's Placing in School Appeal Committee.

**6. How does the authority ensure that parents and young people are aware of the rights to various remedies under the 2004 Act?**

The City of Edinburgh Council includes information about all these remedies in an information booklet providing information as required by the 2004 Education (Additional Support for Learning) (Scotland) Act. This information booklet is published on the Council's website and is routinely provided to parents directly in the course of responding to parent enquiries regarding concerns about provision for additional support needs. When refusing placing requests for special schools or classes, the Council advises the parent of the availability of the legal service commissioned by the Scottish Government to represent parents and carers free of charge in Tribunal cases. In addition, communication is made through:

- Websites
- School handbooks
- Parent councils
- Policies and procedures and guidance
- Publication of key documentation such as policies, accessibility strategy

**7. The Committee is aware that there can be variations in approaches to identification of ASN across local authorities and between primary and secondary schools. The Committee would be grateful if you could briefly set out how you ensure that children's additional support needs are identified and Seemis records are updated to ensure accuracy of the data.**

The City of Edinburgh Council provide robust and clear guidance to schools regarding SEEMIS recording. This guidance is updated annually in February and professional learning and support takes place thereafter. Educational Psychologists are involved in moderation of SEEMIS data and provide advice and support to schools at the level of the individual child whether they have ASN under the terms of the Act.

**8. How does the authority ensure staff have adequate training on Additional Support for Learning provision?**

There are a range of professional learning offers within the City of Edinburgh Council that ensures staff across sectors and roles are supported in understanding and applying understanding of additional support for learning provision. This offer is planned, monitored, and reviewed via the Edinburgh Learns Inclusion board. The Educational Psychology Service and ASL outreach service deliver a wide range of comprehensive training to all sectors and stages of education staff. There is a program of regular training and also numerous bespoke sessions designed to meet the needs of specific groups. Professional learning takes cognisance of implementation science to ensure the best possible outcomes and make use of practitioner enquiry where possible to embed learning and capitalise on staff support for each other's learning.

**9. If parents/carers have a concern about the ASN provision in a mainstream school, what process can they follow to try and get it resolved?**

Getting it right for every child pathway provides a clear contact for parents, carers, children and young people to ask for advice or support. This contact is known as the named person. The named person helps coordinate support if it is needed. Parents and carers are always encouraged and supported to speak to their named person about any concerns they have regarding additional support needs provision for their child. If they are not satisfied or their concerns continue there are clear processes in place that will allow a staged escalation of concerns including an education enquires mailbox, stage 2 complaint response process and ASN tribunal.

The City of Edinburgh Council GIRFEC pathway can be found here <https://www.edinburgh.gov.uk/girfec>

**10. Where the provision of ASN is not working in specific cases in schools, what can teachers do about that? Is there support that can be accessed? What happens if the matter cannot be resolved?**

Getting it Right for Every Child aims to support and promote children and young people's wellbeing by making sure they have access to the right support when they need it. The City of Edinburgh Council's child planning pathway provides teaching staff and practitioners in Edinburgh with the necessary templates, guidance and tools to help put the GIRFEC approach into practice, in line with Edinburgh's Additional Support for Learning Pathways to Support. The City of Edinburgh Council GIRFEC pathway can be found here <https://www.edinburgh.gov.uk/girfec> and here <https://www.edinburgh.gov.uk/asl>

Teachers are always encouraged to raise concerns and speak to Senior Leadership team in schools. There are a range of responses and supports that can be put in place depending on the concern for example, requests can be made to the Educational Psychology Service, ASL outreach service and a range of partners and third sector organisations. The range of support is vast and very much depends on the nature of the child or young persons needs.

The City of Edinburgh's Additional Support for Learning Service is made up of teams, which work with schools, nurseries and partner services. The following teams are available:

- **Early years team** support to children from birth into primary 1 and provide support in homes, nurseries and schools.
- **English as an additional language** support schools and early years settings to meet the needs of developing bilingual learners. They work with parents and carers to support pupils' wellbeing, equality and inclusion. They provide bilingual support for beginner English language learners.
- **Inclusion support team** support children and young people with complex needs including autism, learning difficulties, experienced trauma, attention deficit/hyperactivity disorder (ADHD).
- **Literacy and dyslexia support team** - support and teach pupils with severe literacy difficulties and dyslexia who, despite support in their own school, have found it difficult to make progress in literacy.

- **ICT ASL** - support learners who may benefit from the use of technology to support their learning.
- **Visual impairment** – support children from birth and throughout their time at school who have a visual impairment.
- **Deaf support team** support children and young people (0-18) with a range of types of hearing impairment
- **Medical outreach and medical hospital support** - support pupils who can't attend school due to illness.

## 11. In summary

In responding, the City of Edinburgh council is aware that some of the information regarding the strengths and challenges of Additional Support Needs legislation and practice is conflicting. The reality is that the situation is both positive, negative and indeed varied across and within schools and individual's experiences. Scotland has come so far, yet we have far to go. Improvement will only be made with greater consistency and equity.

To take forward Additional Support Needs legislation we need:

- a relentless focus on learning and teaching;
- everyone to understand that inclusion is children getting what they need as close to their typical experience as possible. That inclusion is not special schools. That inclusion applies equally in mainstream and special sectors;
- to remember the question is **what works?** not **where works?**;
- inclusive practice to be owned by education not by a subset of education within additional support needs or inclusion services or roles;
- to continually invest in relationships between council officers, staff and parents and children/young people;
- to focus on inclusion first, then on specific needs within inclusion. There is often a lot of energy spent on specific areas of need which can result in greater inequity and variability between and within local authorities. A child's needs should be met equally well regardless of whether they are currently in the public eye;
- to make inclusion visible so that children, young people, staff and families understand what it is and what it isn't and value the benefit of the approach to Scottish society.