

Summary of Local authority Responses on Additional Support for Learning Inquiry

The Education, Children and Young People Committee is undertaking an inquiry on Additional Support for Learning (ASL).

The Committee issued a call for views which asked questions around: the presumption of mainstreaming; the impact of the pandemic; and dispute resolution. Separately, the Committee wrote to all 32 local authorities with specific questions. This paper provides a summary of the responses the Committee has received from local authorities. 25 local authorities have responded and the list of responses is included in the appendix to this paper, the Committee asked for responses by 4 December 2023. Some local authorities also responded to the wider call for views. The Committee asked local authorities for details on the following—

- 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.
- What are the barriers to supporting this provision?
 - Any examples of good practice in this area;
- how the authority supports good relationships with parents and young people, especially where there are disagreements around the provision of additional support for learning and reach collaborative agreement
- 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.
- How does the authority ensure that parents and young people are aware of the rights to various remedies under the 2004 Act?
- 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.
- How does the authority ensure staff have adequate training on Additional Support for Learning provision?
- 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?
- 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?

This paper summarises the responses to these.

What is working well and what is not working well?

Local authorities reported that, in the main, support for additional support needs is working well in both mainstream and specialist settings.

East Lothian Council said that the wide definition of ASN “ensures all needs can be identified and met”. It also highlighted that “nurturing approaches and understanding of adverse childhood experience supports children and young people with social and emotional need to access their learning environments”.

Several local authorities set out their staged intervention approaches which are intended to ensure that the correct support is in place. Local authorities have their own frameworks of staged interventions. Broadly speaking these stages range from making small adjustments within the universal setting, through more significant interventions, and to specialist interventions.

Argyll and Bute’s submission set out three ‘key principles of staged intervention. These were that staged intervention:

- is used as a means of identification, assessment, planning, recording and review to meet the learning needs of children and young people.
- provides a solution-focused approach to meeting needs at the earliest opportunity and with the least intrusive level of intervention. The process involves the child, parents/carers, school staff and, at some levels, other professionals, working together to get it right for every child.
- is designed to be flexible and allows for movement between stages.

Several local authorities specific approaches, e.g. [SCERTS](#) and [CIRCLE](#). A number also said they were using [B Squared](#) to track and celebrate achievements in specialist settings. Several also referenced referred to local ASN strategies (e.g. West Dunbartonshire). Dumfries and Galloway (D&G) explained that following the Morgan Review, it had made a “hard shift away from models of additional support and towards a fully inclusive approach” and developed a new Framework for Inclusion. D&G is seeking a “whole system change” including work in: relationships and rights; resources; policy and procedure; parental involvement and engagement; and workforce development.

Supporting professionals’ capacity through career long professional learning was also highlighted in a number of submissions. For example, South Lanarkshire’s submission stated—

“We are working to build knowledge, skills and capacity and to support developing an inclusive ethos across educational establishments to meet the huge rise in complexity of need. An understanding of the changing landscape is developing due to training and focused guidance, but this takes time and commitment to change.”

Shetland Islands Council reported an increased recognition understanding of the range of additional support needs and along with this “an understanding that inclusion is the responsibility for all.”

Barriers to supporting provision

A very common theme was that local authorities are reporting both an increase in the numbers of pupils with additional support needs and an increase in complex needs. Several responses reported an increase since the pandemic, particularly in relation to more challenging behaviour. Mainstreaming was considered a positive in the delivery of ASL. However, the proper resourcing of this was seen as a challenge. The responses often contrasted this additional demand with financial constraints.

South Ayrshire said—

“Our main barrier is the volume of need versus the resource and availability of a skilled workforce.”

The City of Edinburgh’s response stated that there can be tensions between parental expectations and rights and existing resource – it said that this can “make collaboration and working with parents increasingly difficult.” North Ayrshire stated—

“Funding does not match parental expectations in terms of ASL legislation and GIRFEC. Parental requests and rights around how needs are supported as outlined in ASL legislation are not always able to be met within the financial envelope of Local Authorities, e.g. placing requests to specific enhanced provisions.”

The pressure on specialist services was also highlighted. E.g. South Lanarkshire’s response said—

“It is always challenging to move children and young people from specialist to more inclusive, mainstream pathways despite evidence in progress in learning and development, so pressures on specialist educational placements tend to be one way.”

Falkirk’s submission stated—

“Sometimes our barriers are about our staff or parents understanding that the ‘best’ option for the child is their current placement. There needs to be realistic understanding about what actually happens in more specialist provision. Sometimes and more often than not, with a few adaptations, the current placement can feel a lot better. This approach to tackling adversity feels

tricky but usually builds resilience in better ways for the child than simply changing school.”

Later South Lanarkshire’s submission said that while specialist settings continue to be funded, this limits the funding available to mainstream settings to make those more inclusive. It also said that the Morgan Review should receive more attention – including the cultural changes she argued for. Scottish Borders’ Council said that “there needs to be more of an ownership of ASL across the whole teaching workforce.” Renfrewshire council stated—

“Strong leadership of ASN is vital to ensure that parents/carers/staff and children understand the principles of inclusion and where this is lacking [it] can be a barrier to ensuring effective support for children/young people in mainstream [settings].”

The availability and retention of specialist staff was highlighted as a challenge. The lack of availability of other services to support complex needs was seen as another issue. This included both public services, such as CAHMS, and the third sector. In terms of the curriculum, a number of responses reflected the desire to better celebrate the achievements of all pupils. City of Edinburgh Council said that for some children the secondary curriculum does not offer “the experiences and outcomes appropriate to meet their needs” and that curriculum reform is therefore urgent.

Several responses suggested that the school estate needs to be adapted to better support inclusive approaches to education. Falkirk Council’s response said—

“Our children with Autism and neurodivergent learning needs are increasing, and they require reduced sensory learning environments and access to small group teaching. This requires capital funding.”

Perth and Kinross Council’s submission said that many of the underpinning principles of ASL policy are working well, but it also made a number of suggestions of where the policy framework could, in its view, be improved. These included, that the ASN Tribunal is adversarial which affects good relationships with families; CSPs running in parallel with other planning mechanisms; ensuring prompt buy-in from other services to support actions in CSPs; and a more robust legal framework to ensure attendance. The City of Edinburgh Council said that the current statutory guidance is “unhelpfully complex and challenging to implement in practice.”

The lack of options after school for young people with complex needs was seen as an issue in relation to post-school transitions. The City of Edinburgh said that there is consequently greater demand for young people to stay on in specialist education beyond S6.

Supporting good relationships with pupils and their families

All of the local authorities foregrounded the importance of supporting good relationships with families and pupils. This included a partnership approach and good communication with families, often submissions said that these approaches are

achieved through planning mechanisms or local relationships. Clackmannanshire Council stated—

“School headteachers, on a whole, maintain positive relationships with parents/carers, therefore the majority of issues are resolved at the school level.”

Many responses referenced [Solution Oriented Approaches](#) in supporting good relationships with families. Most local authorities also highlighted local parent forums. Adherence to the UNCRC and a rights-based approach was also highlighted by several local authorities as helping to support good relationships with pupils and their families.

Several local authorities suggested that there is a tension between the capacity and resource of local authorities and parental expectations. A number also indicated that there was a challenge for officials to work within adversarial contexts. City of Edinburgh Council said—

“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 in 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.”

Placing requests

The responses from local authorities set out data on the number of placing requests to special services. Data was presented in different ways by different local authorities. Where data was presented by year, some local authorities' data showed marked increases in the number of requestions to specialist provision (e.g. South Lanarkshire, Scottish Borders, Glasgow), others are less marked but still appear to be on an upward trend (e.g Edinburgh). For a number of other local authorities, the numbers involved are small.

Some also provided data where a request was made for a pupil initially placed in a special unit or school to be educated in mainstream education. Other local authorities could not provide this data – several explained that this was because such decisions would not be through the placing system and would always be accepted.

Awareness of remedies and parents highlighting concerns

Many of the local authorities said that details of the statutory remedies are advertised on the local authority's website. Some also mentioned parent information leaflets and/or school handbooks where information about dispute resolution may be found. Many also indicated that the services of Enquire would be advertised in this information.

However, some local authorities did not mention options for statutory remediation when discussing how disputes are escalated. These responses would focus on council complaint procedures.

Where statutory dispute resolution was highlighted as being used in these circumstances, normally this would be mediation services. Recourse to the Tribunal was mentioned in relation to placing requests, but tended not to refer to the wider powers of the Tribunal to consider issues to do with CSPs and disability discrimination claims. Adjudication was also not mentioned by any of the respondents.

Some local authorities expressed disappointment with rulings of the ASN Tribunal in relation to placing requests, suggesting that the tribunal took too little account of the financial pressures that local authorities are under. The City of Edinburgh Council said—

“Within Local Authority budgets additional support for learning costs cannot be predicted and are often outwith the control of officers leading to significant financial risk and pressure. The increasing demands for [out of area] provision and the inclination of the ASN Tribunal to support parental placing requests 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 to £180K per year with children and young people often remaining in placement for over 8 years. These placements cannot be predicted or planned.”

Later the City of Edinburgh Council’s submission said—

“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 the 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 inline with the principles of inclusion set out in legislation.”

Identification and Seemis records

Respondents explained that specialist staff support schools have to consistently identify and record additional support needs.

Many responses also stated that they undertook regular audits of the data on Seemis.

Training for staff

Training for teaching and support staff was seen as key. Respondents quoted a range of training that is available locally. This could be through training at induction, general training, or specialist teams such as speech and language or mental

wellbeing professionals providing training for staff.

North Ayrshire said that they hold regular “ASN coordinator meetings” which include identifying training needs.

Shetland Islands Council noted that there can be a challenge to support classroom teachers to access training in this area among other CLPL priorities.

A small number of respondents also suggested that Initial Teacher Education should focus more on inclusive practice in the classroom. South Lanarkshire said newly qualified teachers (who have had a year as probationers) can lack skills to support inclusive education. Perth and Kinross’ submission made a similar point but went on to say that this was being addressed “by increased learning opportunities focused on inclusive practice [being] built into the probationers’ programme.”

Teachers’ concerns

Generally, respondents said that if teachers had a concern about the support a pupil is receiving, they would be able to escalate through their school or central support teams, who would be able to provide advice or additional support. This was often framed withing the local staged approaches.

Others provided examples of horizontal support networks. For example, Renfrewshire Council’s submission stated—

“We have a [forum] for leaders of ASN where specific cases/tricky issues can be raise by pupil support coordinators/head teachers. These groups, supported by our Educational Psychologists and other partners, enable peer support to be offered to try to find solutions to meet the needs of the learner. ... We also have [specialist Education Officers] who can provide [advice and guidance].”

Ned Sharratt
SPICe Research

Appendix: List of LAs

At the time of writing the local authorities that have responded to the Committee's letters are:

- [Aberdeenshire Council](#)
- [Angus Council](#)
- [Argyll and Bute Council](#)
- [City of Edinburgh Council](#)
- [Clackmannanshire Council](#)
- [Dumfries and Galloway Council](#)
- [Dundee City Council](#)
- [East Lothian Council](#)
- [East Renfrewshire Council](#)
- [Falkirk Council](#)
- [Fife Council](#)
- [Glasgow City Council](#)
- [Inverclyde Council](#)
- [Midlothian Council](#)
- [Moray Council](#)
- [North Ayrshire Council](#)
- [Perth and Kinross Council](#)
- [Renfrewshire Council](#)
- [Scottish Borders Council](#)
- [Shetland Islands Council](#)
- [South Ayrshire Council](#)
- [South Lanarkshire Council](#)
- [Stirling Council](#)
- [West Dunbartonshire Council](#)
- [West Lothian Council](#)