



The Empowerment Project - Stronger Voices for Fairer Futures

Note on East Lothian Council and Data Management

21 February 2026

Key Takeaways

- East Lothian Council’s Child Planning Framework training encourages staff to avoid documenting unmet needs, costs of ASN provision, and to limit audit trails (e.g. favouring calls over emails).
- This suppression of information threatens the feasibility of a successful transition to a “fair and effective needs-based” approach.
- This approach negatively impacts the ability of neurodivergent children and their families to access support, exercise their rights under legislation like the Equality Act 2010, and challenge decisions of the local authority.

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Introduction

Dani Cosgrove gave evidence on behalf of STAND to the Equality, Human Rights and Civil Justice Committee of the Scottish Parliament as part of the Neurodivergence Inquiry on Tuesday 17 February 2026. During her evidence, she mentioned concerns about the quality of evidence that is held (or not, as the case may be) by schools in relation to the additional support needs and wellbeing of neurodivergent children.

She talked about the implications of lack of evidence, including difficulty accessing assessment and support.

She used a particular example of a local authority who gave training to its staff telling them to be careful what to put in writing. The local authority to which she referred was East Lothian Council. This note gives more information about that training, and other examples from the same local authority of poor recording of data and evidence, along with lack of respect for the information rights of children, their parents and carers.

Information as Evidence

For neurodivergent children and their families, information and evidence is crucial. This can be to inform effective diagnostic assessment or needs assessment. It can be used to identify areas where a child needs support, and to monitor the effectiveness of such support. It is crucial when applying for benefits or other needs-based services. It is vital when exercising rights, for example those under the Equality Act 2010 where you will be expected to prove that the child is disabled (especially difficult without a formal diagnosis, but even harder with a lack of evidence from the school).

It is difficult to see how a child, parent or carer can adequately challenge decisions in relation to additional support needs if there is no information available to demonstrate the steps that a school has taken to support them.

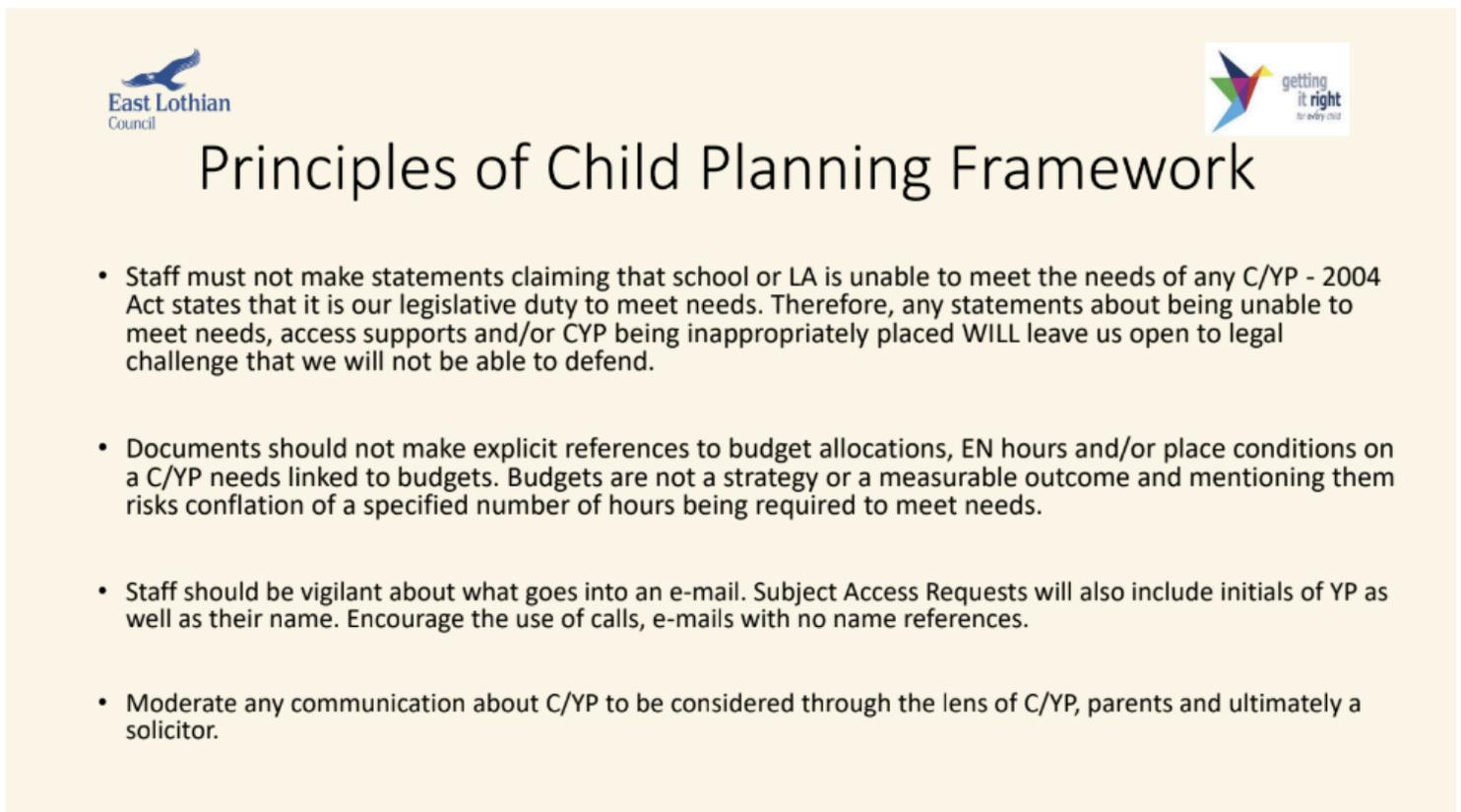
Implication of “needs-based” approach

This is even more important in the context of moving to a “needs-based” approach. In the absence of a diagnosis, or even information gathered as part of a diagnostic assessment, the primary source of evidence of a child’s additional support for learning needs will be held by the school.

Child Planning Framework Training

East Lothian Council has a [“edubuzz” website](#) where they store public documents relating to GIRFEC and the Child Planning such as guidance, procedures, and forms.

One of these documents is entitled **“Training Delivered in 2024 to schools on changes to Child Planning Framework”**. The majority of the slide pack gives information about updating forms and processes for planning for additional support needs. However, the second substantive slide states as follows, under the heading of **“Principles of Child Planning Framework”**.



The slide features the East Lothian Council logo on the top left and the 'getting it right for every child' logo on the top right. The title 'Principles of Child Planning Framework' is centered at the top. Below the title, there are four bullet points:

- Staff must not make statements claiming that school or LA is unable to meet the needs of any C/YP - 2004 Act states that it is our legislative duty to meet needs. Therefore, any statements about being unable to meet needs, access supports and/or CYP being inappropriately placed WILL leave us open to legal challenge that we will not be able to defend.
- Documents should not make explicit references to budget allocations, EN hours and/or place conditions on a C/YP needs linked to budgets. Budgets are not a strategy or a measurable outcome and mentioning them risks conflation of a specified number of hours being required to meet needs.
- Staff should be vigilant about what goes into an e-mail. Subject Access Requests will also include initials of YP as well as their name. Encourage the use of calls, e-mails with no name references.
- Moderate any communication about C/YP to be considered through the lens of C/YP, parents and ultimately a solicitor.

These four principles relate to the documentation that must be completed under the Child Planning Framework. Contrary to the ethos of GIRFEC, these principles are clearly aimed at protecting the interests of the *local authority*, rather than the best interests of the child.

Not meeting needs

We are concerned about the instruction to refrain from making statements about not meeting children’s needs. In order for proper and rigorous assessment of current strategies in place for a child, and for

effective reflective practice to take place, there needs to be a willingness to identify when things are not going well.

We do not understand how, in practice, we can ever trust a school's staff to be honest about the nature of our children's needs if we know that they are being told never to admit it if those needs are not being met.

Also, how can senior management and those in charge of budget allocation, workforce planning etc do their jobs properly if there is no recorded information available to measure whether or not the current practices are effective?

Budget allocations

The implementation of reasonable adjustments and provision for ASN relies on an assessment of reasonableness when it comes to cost. If the cost of an intervention or adjustment is not provided, how can that assessment of reasonableness be made in the first place, let alone challenged?

Without available details of the cost of a particular adjustment, strategy or intervention, how can the local authority be subject to any scrutiny for its duty to secure best value under the local Government in Scotland Act 2003?

As mentioned in [Audit Scotland's Report](#) on Additional Support for Learning, *"better quality data is fundamental to understanding pupils' additional support needs and the resources required to provide support"*. The report goes on to recommend that *"the Scottish Government and councils should fundamentally evaluate, both nationally and locally, how ASL is planned for, funded and staffed as part of core education provision"*. How can this evaluation be done if staff are prohibited from documenting circumstances where a child's needs are not met, or what the cost of meeting a child's needs actually is?

Vigilance re emails

In general, we understand that staff should consider the tone and content of written communications and documentation to ensure that it is clear, respectful, accurate, trauma-informed and accessible.

However, when this instruction is read in the context of the entire training slide, it appears to us that the reference to "vigilance" is actually a defensive tactic relating to the risk of creating documentation that

could be used as evidence that a child's needs are not being met. This impression is compounded by the specific reference to the consideration of the email through the lens of a solicitor.

Understanding of GDPR

Also of concern is the reference to subject access requests, and the use of names or initials. Personal data is not limited to names or initials. If there are other identifiable features of a child within the correspondence or documentation, the absence of the name or initial does not necessarily bring it outwith the scope of a subject access request, or exclude it more generally from the obligations under the GDPR about the processing of personal information. If staff are not properly identifying children within documentation or correspondence, how can they be sure that, in responding to a subject access request, they have found all the relevant information to disclose?

In general, we question whether the approach outlined in the training slide is compliant with the data protection principles of "lawfulness, fairness and transparency".

Relying on Calls

Some parents and carers will be happy with phone calls rather than emails - some may even prefer that. However, many will prefer an email trail - not just for the purpose of evidence of their children's needs, but because the mental load of life admin can be overwhelming, and it can be difficult to remember what is discussed on phone calls. Many of the parents and carers of neurodivergent children will be neurodivergent themselves, and have specific communication needs or preferences.

The mode of communication used in a particular case should be the one that is best in the circumstances; it should not be the case that phone calls are made instead of sending emails with the sole purpose of avoiding an audit trail.

Accountability

The concerns we have about this training relate to our overarching concerns about lack of accountability within the education system. We have seen families request information about the reasons for certain decisions, including minutes from Education Resource Group meetings, and either been given minutes which contain no information at all or have not been provided with minutes at all.

There is no way for families to scrutinise decisions if there is no information kept about why a decision is made. This makes it incredibly difficult for decisions to be questioned or challenged, whether informally or formally.

STAND's Message

Any improvements that are planned or implemented will be pointless if the basic principles of public sector governance are not right. Good local governance and responsible fiscal management relies on ethical and accurate recording of information, evidence, correspondence and reasons for decisions. This is especially important in relation to decisions which affect children's rights, whether they be under equalities legislation, education legislation, the Human Rights Act 1998 or the UNCRC (Incorporation) (Scotland) Act 2024.

At STAND, we support the sentiment that support should, as far as possible, be available to neurodivergent children notwithstanding the absence of formal assessment or diagnosis (albeit not deterring authorities from providing diagnostic assessment). However, that approach cannot work if there is no available evidence to inform others of what the child's needs are, and to confirm whether or not they originate from a disability. Without such evidence, the enforcement of rights, and applications for services or benefits will be extremely difficult, and unduly stressful for everyone involved.

The instructions in East Lothian Council's training slides directly undermine a needs-based model. If staff are prohibited from recording an inability to meet needs, and resource allocations are hidden, local authorities can give the impression to those attempting to hold them to account that they are meeting the needs of neurodivergent children, even when they are not.

We urge the Committee to reinforce the importance of accurate, comprehensive and frank discussions with families about the extent to which children's needs are being met, or not being met as the case may be. Additionally, we ask that they consider the possibility that any evidence they may hear as part of their inquiry from those who are confident that schools are meeting needs, or making reasonable adjustments, may originate from opinions that are based on incomplete or inaccurate data.