

20 September 2024

Clerks
Education, Children and Young People Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Via Email - ecyp.committee@parliament.scot

Dear Clerks

Additional Support for Learning inquiry

1. Thank you for your email of 23 August 2024 asking for a COSLA response to the following Recommendation made by the Committee following their Inquiry into Additional Support for Learning:
 - “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.”
2. Our Children and Young People Board discussed the Report, the Scottish Government Response and the specific ask at their most recent meeting on 9 August 2024. The Board noted and supported the Cabinet Secretary’s commitment to seeking to address a number of the recommendations through the ASL Project Board, which COSLA Co-Chairs and through the ASL Project Board Action Plan.

Special Schools

3. Local Authorities do give careful consideration to the provision that is available locally for individual pupils and for the whole school population. For individual children and young people an assessment will be made by staff to determine what support is required and where it can best be provided. That professional judgement may not meet the expectation of parents who do not always agree on the level of support and the type of provision educationalist deem the most appropriate, discussions will take place to try to explain what any proposed enhanced provision will involve, in order to seek to reassure any parental concerns. Failing which there are mechanisms in place where disputes can be appealed and resolved.
4. Some specialist provision is commissioned from independent providers and can involve travel for learners. It may be highly specialised, and it may not be possible to provide it locally.

5. All local authorities have Learning Estate Strategies, and some have recently opened, or will soon open new special school provision, whilst others are assessing special school provision. Building or commissioning more specialist provision would incur significant costs and there is significant inflation in building costs at present.
6. Supporting children and young people with Additional Support Needs is incredibly important and funding for it needs to be prioritised by national and Local Government, but that is difficult given funding pressures across the public sector. It is also important to consider the role that health professionals and therefore health boards play in this space.

Widen the routes of access to the Tribunal

7. Local authorities agree with the Committee that resolution of issues at the earliest stage is the best solution. It is worth noting that widening the criteria for access to Tribunals would increase cost to councils, for legal representation, expert witnesses and the cost to implement Tribunal rulings. The funding required would have more impact being spent on frontline services for children and young people with Additional Support Needs.
8. The Scottish Government funds the Tribunal Service and legal support for parents and carers, but they do not fund costs to councils which in some areas are significant. COSLA would not want to limit the right to appeal decisions but there is a risk of diverting funding to responding to greater numbers of tribunals which will either mean less funding for support within schools, or cuts to other Council Services. Greater costs would also be faced by the Scottish Government for Tribunals and legal support for parents.
9. The ASL Project Board is tasked with improving communication and access to information which should help to resolve issues at earlier stages and hopefully lead to less rather than more Tribunals.

I hope the content of this letter is helpful to the Committee in their consideration of additional support for learning.

Yours Sincerely,

Councillor Tony Buchanan
COSLA Children and Young People Spokesperson