



Briefing for the Public Petitions Committee

Petition Number: [PE01507](#)

Main Petitioner: Alex Orr and Sophie Pilgrim on behalf of Scottish Children's Services Coalition and Kindred

Subject: Funding for additional support for learning

Calls on the Parliament to urge the Scottish Government to ensure that local authorities fulfil their statutory duties with regard to the delivery of additional support for learning. We are calling upon the Public Petitions Committee to write to all of Scotland's local authorities reminding them of their statutory requirement under Getting it Right for Every Child (GIRFEC) approach, and also the Education (Additional Support for Learning) Scotland Act 2009, urging them to protect vital children's services when setting their future budgets.

Background

The petition requests that the Scottish Government write to local authorities reminding them of their statutory duties.

The main legislation relating to additional support for learning (ASL) is the Education (Additional Support for Learning) (Scotland) Act 2004 (amended 2009). This requires local authorities to make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions. The Act does not require an authority to do anything outwith their powers or which would result in unreasonable public expenditure. The Act does not define unreasonable public expenditure.

The 2004 Act is underpinned by a statutory Code of Practice, which is currently being reviewed in the light of the Children and Young People (Scotland) Bill.

The petition refers to statutory duties under GIRFEC. GIRFEC is not yet statutory. Certain aspects of GIRFEC (such as the named person service) will become statutory through Children and Young People (Scotland) Bill. The relevant parts of the Bill will come into force in 2016 (financial memorandum table 1).

The Scottish Government has an Advisory Group for ASL which supports the Scottish Government and considers emerging and current issues which impact on the successful implementation of the legislation. Education Scotland inspects provision for ASL in local authorities and schools.

The petition refers to the funding required to implement statutory duties. The Scottish Government's [2013 Annual Report](#) on ASL notes that funding decisions are a matter for local authorities.

Funding for Additional Support for Learning is included in the block grant which the Scottish Government provides to all local authorities as part of the annual local government finance settlement. It is the responsibility of each local authority to allocate the total financial resources available to it on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government's key strategic objectives.

The background information to the petition refers to a large increase in the number of pupils recorded as having additional support needs. It should be noted that there are issues with the data on ASL. For example, there are large differences between local authorities and the categories recorded changed following the 2009 amendments to the 2004 Act. The 2013 annual report on ASL states that:

The Scottish Government has committed to considering the data collected on children and young people with additional support needs to ensure that it is what is required to ensure adequate information is available to support implementation of the Act.

Scottish Government Action

The statutory Code of Practice on ASL (Supporting Children's Learning) is being updated to reflect recent changes, including the provisions of the Children and Young People (Scotland) Bill.

The 2009 Act required the Scottish Government to make annual reports to the Scottish Parliament in each of the five years following commencement. Reports have been published in 2012 and [2013](#).

The Scottish Government has a long term plan for the implementation of ASL. Published in November 2012, it covers the period up to 2016 and is available at: <http://www.scotland.gov.uk/Publications/2012/11/4399/0> The plan addresses;

- the support available for particular groups of children or young people and areas for further support in implementation,
- building capacity in staff to provide support,
- information, and
- law and guidance

The Doran Review Report (2012) made 21 recommendations for the future provision for children and young people with complex additional support needs. The Review Report and the Scottish Government's response is available at <http://www.scotland.gov.uk/Publications/2012/11/6244>. Of particular relevance to this petition is recommendation 6 on provision of learning support staff. In reply the Scottish Government stated that "It is for local authorities to plan their resources according to local circumstances and priorities, including their responsibilities under the Additional Support for Learning Act."

The Scottish Government is also working with COSLA to develop strategic commissioning of services for young people with complex additional support needs.

Scottish Parliament Action

There have been recent parliamentary questions on additional support needs – in particular on the increased recording of pupils with such needs. For example, a recent question by Neil Bibby, MSP asked about numbers of ASL staff. There were 6522 auxiliary or care assistants in 2013, compared with 6024 in 2007 ([S4W-18877](#)).

On 8 January 2014 Claudia Beamish, MSP raised the petitioners' issue with the Minister during portfolio questions, referring to the increase in the numbers of children with ASL recorded in official statistics and the Scottish Children's Services Coalition fears that: "teachers and other education staff do not have the time and resources to give all ASN children the help they need"?

Alasdair Allan, MSP replied that:

"Although I certainly do not underestimate the work and commitment that are involved for teachers who deal with children with additional needs, I do not recognise the comment that somehow teachers are not fulfilling their statutory duties in that respect.

There has been an increase in the number of children recorded with additional needs—while the Government is working to make provision for that increase, it should be recognised that a large proportion of that increase is, of course, because the definition of additional needs now captures many more needs than it previously did."

[PE1409](#) is an recent petition on the related subject of ASL training for teachers. It was considered by the Education and Culture Committee in December 2012. The Committee agreed to close the petition and to write to relevant organisations about the issues it raised

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