

PE1507/A

Buidheann-Stiùiridh an Ionnsachaidh
Learning Directorate

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Ned Sharratt
Public Petitions Committee
T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

In 2014 Scotland Welcomes the World



Ur faidhle/Your ref : Petition PE1507
1 April 2014

Dear Ned

Thank you for your letter of 6 March regarding the consideration of Petition PE1507 by the Public Petitions Committee. The petition asks that the Committee *'write to the Scottish Government requesting it 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.'*

The committee considered the petition on 4 March 2014 and agreed to write to the Scottish Government inviting us to (1) write to all 32 local authorities reminding them of their current duties and drawing their attention to the new duties which will fall to them once the relevant provisions of the Children and Young People (Scotland) Bill are commenced.

The letter also invited us to (2) take the opportunity to outline to the Committee how the Children and Young People (Scotland) Bill, passed by Parliament on 19 February 2014, will affect local authorities' duties in providing additional support for learning and the role of the Scottish Government in ensuring that these additional statutory duties are fulfilled by local authorities in the future. I will address each of these points in turn.

In relation to the first point, the Scottish Government maintains dialogue with education authorities and their partners in relation to the implementation of their duties under the Education (Additional Support for Learning) Act 2004 (as amended). Officials regularly engage throughout the year with COSLA, the Association of Directors of Education Scotland, the Association of Support for Learning Officers and the Advisory Group for Additional Support for Learning on issues affecting implementation of the ASL Act. Further, the Advisory Group for Additional Support for Learning, which includes a wide range of stakeholder representatives (see Annex A) has a specific remit to consider barriers to the effective implementation of Additional Support for Learning. The Advisory Group has, for

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example, considered in detail the implications of the Children and Young People's Act once commenced, and the implications for the statutory guidance on the ASL Act and therefore a review of the statutory code of practice for ASL is underway to take account of this issue. In addition, Scottish Ministers are obliged to report to the Scottish Parliament annually on the implementation of Additional Support for Learning. The next report which considers implementation in 2013, is due to be published imminently.

Further, statutory guidance on the provisions of the Children and Young People Act is being developed and will be the subject of full engagement with local authorities, prior to full public consultation, planned for October 2014. These duties will not commence until August 2016 to allow local authorities the opportunity to prepare for commencement. In light of the above, the Scottish Government does not consider it necessary to write to local authorities in the way suggested by the petition.

In relation to the second point, the Children and Young People's Act has not changed the responsibilities of education authorities under the Additional Support for Learning Act and their duties are complimentary. The full detail of how the duties relate to each other will be set out in the guidance which will accompany the Children and Young People's Act and will be reflected in the statutory code of practice for the Additional Support for Learning Act. It may be helpful to note that in some local authority areas the two systems are already being implemented together.

Further, under the Children and Young People's Act local authorities and health boards will have duties to prepare Children's Services Plans, and will be required to report on outcomes prescribed by the Scottish Ministers. Statutory guidance on these duties will be developed in collaboration with a wide range of partners and stakeholders.

I trust this information is helpful and reassures the Committee of our commitment to the implementation of both the Additional Support for Learning Act and the Children and Young People's Act.

Yours sincerely

Laura Meikle
Team Leader

Membership of the Advisory Group for Additional Support for Learning

Iain Nisbet	Govan Law Centre (Chair)
John Butcher	Association of Directors of Education
Sally Cavers	Enquire
John Dalziel	Skills Development Scotland
Andrew Facherty	Association of Directors of Education
Linda Foulis	UNISON
Billy Gibson	National Parents Forum Scotland
Alistair Haldane	Association of Support for Learning Officers
Kate Hannah	Education Scotland
Jacqueline Lamb	Children in Scotland
Steven McCrossan	Educational Institute for Scotland
Sandra Mitchell	ASL: Resolve
Dr Joe Morrow	Additional Support Needs Tribunals for Scotland
Robert Nicol	COSLA
Geraldine O'Neill	Grant Aided Special Schools
Shirley Paterson	Association of Principle Educational Psychologists
Pat Preece	Association of Directors of Social Work
Ann Marie Procter	Scottish EAL Co-ordinating Council
Jane Reid	Allied Health Professionals
Willie Rutherglen	for Scotland's Disabled Children
Jan Savage	Enable
Mag Stewart	Association of Heads and Deputies in Scotland
Chloe Swift	Scotland's Commissioner for Children and Young People
Martin Vallely	Association of Directors of Education
David Watt	Education Scotland
Sue Williams	Grant-Aided Special Schools
Venetia Haynes	Learning Analysis, Scottish Government
Christine Greig	Lifelong Learning, Scottish Government
Laura Meikle	Support and Wellbeing Unit, Scottish Government
Colin Spivey	Support and Wellbeing Unit, Scottish Government
Ross Trotter	Support and Wellbeing Unit, Scottish Government
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