

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE – 22 MARCH 2005

ADDITIONAL SUPPORT FOR LEARNING CODE OF PRACTICE RESULTS OF CONSULTATION

Report by Executive Director of Educational and Social Services

1. PURPOSE

- 1.1** To advise Elected Members of the results of a consultation exercise on the draft code of practice issued in relation to the Education (Additional Support for Learning) (Scotland) Act 2004.

2. BACKGROUND

- 2.1** Members will recall that a number of reports have been presented to Committee describing the developments in relation to the Education (Additional Support for Learning) (Scotland) Act 2004. The most recent development is the Scottish Executive's consultation exercise on the code of practice that will lie at the core of the operational implementation of the Act. This exercise ran from November to February. In accordance with normal practice a response has been sent to the Scottish Executive within the timescale, with the qualification that it is subject to approval by Committee.
- 2.2** Presently, procedures in relation to special educational needs are guided by Scottish Office Education and Industry Department (SOEID) Circular 4/96 which is concise, comprehensive and authoritative. SOEID Circular 4/96 is therefore the best available benchmark against which any potential replacement should be judged.
- 2.3** In addition to the Code of Practice itself, subsidiary consultation exercises have been mounted to consider:
- Other appropriate agencies to help in exercise of functions under the Act
 - Regulations covering co-ordinated support plans (CSPs)
 - Regulations covering changes in school
 - Dispute resolution
 - Publication of information by the local education authority

Further consultations are anticipated on:

- Placing requests;
- The proceedings of the Additional Support Needs Tribunal; and
- Transitional arrangements.

2.4 To complete the consultation a number of activities were mounted. These included:

- Attendance at national seminars by senior officers.
- Establishment of special-to-purpose working groups to consider in detail each part of the exercise. These groups included the involvement of colleagues from social services, psychological services, legal services, the health service and all school sectors and parents.
- Two seminars for heads of establishment and team managers and
- Two seminars for parents.

This has enabled a very full response to be compiled. The involvement of approximately 100 parents in this exercise is of particular note.

3. THE RESPONSE

3.1 A copy of the full response is available in the Members' Information Point, together with the full consultation documents.

3.2 The potential importance of the code of practice and its associated regulations cannot be overestimated. These documents will, when published, require a root-and-branch review of procedures. Furthermore, the code itself is of fundamental interest to parents – particularly those whose children have special educational needs under the present definition. This is why a detailed response is merited.

3.3 In summary, the East Ayrshire response makes some key points, which are additional to those of specific detail:

- As presently published, the code of practice is inadequate. It requires much more clarity and to be more comprehensive in approach and to be much closer in standard of production to SOEID Circular 4/96.
- There is no real clarity on what is meant by “additional support needs” and such clarity is essential.
- Much more work requires to be done on the format of the co-ordinated support plan (CSP) and the process to produce it.
- The timescale to produce a CSP – 12 weeks – is unrealistic. This compressed timescale could lead to alienation of parents and young people with the effect that unnecessary recourse is made to the tribunal system.
- More consideration requires to be given to disentangling the increasingly complex, and potentially conflicting, laws in this area of provision.
- There is a need to present information in a form that can be easily understood by parents and young people. At present many parents have deep concerns about how the Act will be implemented. Much could be done to allay these concerns by clear and consistent communication of messages nationally.

4. NEXT STEPS

- 4.1** Once amended in the light of this consultation, the code of practice will be laid before the Scottish Parliament together with the associated statutory instruments. This process is expected to be completed in May 2005, prior to commencement in the autumn of 2005. Work is in progress across the Department, and in consultation with the health service and neighbouring authorities to overtake the work essential to implement this key development in legislation.

5. POLICY/LEGAL IMPLICATIONS

- 5.1** Nil at this stage.

6. COMMUNITY PLANNING IMPLICATIONS

- 6.1** Nil at this stage.

7. FINANCIAL IMPLICATIONS

- 7.1** Nil.

8. RECOMMENDATIONS

It is recommended that Members :

- (i) approve the East Ayrshire response to the consultation on the additional support for learning code of practice and allied documentation;
- (ii) note this report will also be considered by the Social Work Committee; and
- (iii) otherwise note the contents of this report

John Mulgrew

Executive Director of Educational and Social Services

GRS/GRS

17 March 2005

Members requiring further information should contact Graham Short, Head of Service: Quality Improvement, (01563-576089).

LIST OF BACKGROUND PAPERS

- 1.** Full consultation response in Members' Information Point
 - 2.** Consultation documents issued by the Scottish Executive
- Implementation Officer: Graham Short**