

Briefing for the Public Petitions Committee

Petition Number: [PE1747](#)

Main Petitioner: Alison Thomson

Subject: Funding of children with additional support needs

Calls on the Parliament to urge the Scottish Government to provide adequate funding to support children with additional support needs in all Scottish Schools (Primary, Secondary and Special).

Background

The policy around local authorities meeting children's Additional Support Needs ("ASN") is complex and has been subject to longstanding debate. The main legislation setting out local authority duties and parents' rights in this area is the Education (Additional Support for Learning) (Scotland) Act 2004. In addition, s.15 of the Standards in Scotland's Schools etc Act 2000 introduced a legal presumption in favour of children being educated in mainstream schools.

Definitions and identification

A pupil has 'additional support needs' if, for whatever reason, they are unlikely to be able to benefit from school education without additional support. This is a very broad definition and includes, for example, very able children and those who may need temporary additional support due to family circumstances, such as bereavement, as well as children and young people with complex needs. The 2004 Act does not list particular conditions or type of need, except that there is a presumption that looked after children have additional support needs.

The annual pupil census includes information on children identified with ASN. In 2010, the way the data was collected was changed which led to a large rise between 2010 and 2012 in recorded numbers of pupils with ASN. Since 2012, however, numbers have continued to rise steadily. It is not possible to know whether, or to what extent, the rise in numbers of pupils recorded as having ASN is due to: greater numbers of pupils with ASN; better identification of pupils with ASN; or changes to recording practices. There are wide discrepancies between local authorities in terms of the numbers of children identified with ASN. This data should, therefore, be treated with caution.

In a [2019 report by the EIS](#), it said—

“[The EIS knows] that the range and complexity of needs of the children and young people within Scotland’s classrooms are increasing and it is not possible for all such needs to be met by teachers alone.”
(p10)

The background to the petition indicates that the petitioner is most concerned with children with complex needs who require intense support, for example in a special school. This would be a relatively small sub-set of children identified with ASN.

Local authority duties

Local authorities have duties to identify and meet additional support needs and to monitor and provide information on this support. The 2004 Act does not require local authorities to “do anything ... that would result in unreasonable public expenditure being incurred.” (s.4)

The Standards in Scotland’s Schools etc. Act 2000 provides children with a right to have education which is “directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential”.

Mainstreaming

Section 15 of the 2000 Act provides a presumption that children will be educated in mainstream schools unless mainstream provision:

- would not be suited to the ability or aptitude of the child;
- would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
- would result in unreasonable public expenditure being incurred which would not ordinarily be incurred.

It is presumed that those circumstances arise only exceptionally. Education Authorities should also take account of the views of the child and of the child’s parents when placing a child in mainstream education. Parents and pupils have a right to seek a placement at a Special school and have recourse to make a reference to a Tribunal if this is turned down by a local authority.

Scottish Government Funding

The majority of funding for school education is from local authorities’ budgets. Education (including early years) represents a significant proportion of local authorities’ budgets. The Scottish Government’s funding of local authorities is subject to debate during the passage of the Scottish Government’s Budget. A SPICe blog explaining the final allocations for local authorities in 2019-20 can be found here: <https://spice-spotlight.scot/2019/03/15/budget-2019-20-final-allocations-to-local-authorities/>

In addition to Scottish Government general revenue grant funding to local authorities, there are a number of ring-fenced grants for education. Most notably are those related to the Attainment Scotland Fund, which seeks to close the poverty related attainment gap.

[The EIS's 2019 report](#) argued that “significant and sustained investment of energies and resources” is required to support additional support for learning and an inclusive education.

The Scottish Government also provides direct funding of £10.5m “to support learning provision for children and young people with complex additional support needs. This funding is used to enhance support to children and young people who learn in the grant-aided special school sector in Scotland.”¹

The Scottish Government announced in its Programme for Government 2019-20 that it would provide an extra £15m to support additional support for learning. A subsequent [news release on 6 September 2019](#) stated that the Government would work:

“in partnership with local authorities we will invest an extra £15 million in the coming year to increase frontline staff to support learners with additional support needs.”

The Scottish Government will now work with COSLA to determine how the £15 million funding will be allocated.

Scottish Government Action

As noted above, the provision of ASL is a current focus of policy attention. In March 2019, the Scottish Government published research in this area: [Additional support for learning: experiences of pupils and those that support them](#). The research took place in 18 schools in six local authority areas across *Scotland, in 2018*. This qualitative research found that: local authority and teaching staff, pupils, and parents on the whole felt that children’s needs are being met. However, concerns were raised, for example, in relation to the resources available.

New guidance on the presumption of mainstreaming was [published by the Scottish Government in March 2019](#).

Statutory guidance on the 2004 Act was [updated and published in December 2017](#).

Scottish Parliament Action

The Education and Skills Committee undertook a short inquiry into Additional Support for Learning in 2017. It published [a report in May 2017](#). The Committee has kept a watching brief on the topic and held further evidence

¹ [Scottish Government Draft Budget 2019-20](#), page 49

sessions in February and March 2019. Details of the Committee's work can be [found on its website](#).

The Scottish Parliament debated the presumption to mainstream on [30 January 2019](#).

Regular written and oral questions are lodged on this topic.

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11 September 2019

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP