Angela Constance MSP

Cabinet Secretary for Education and Lifelong Learning

The Scottish Parliament

Room T3.21
Edinburgh
EH99 1SP

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Dear Cabinet Secretary

I would like to raise my concerns about the education of children who require additional support for learning (ASL) and how the ASL Act is working in practice. In the past 6 months I have been contacted by numerous parents and organisations from across Scotland, who are troubled by the impacts that cuts in provision are having on the education of their children. A few examples are produced below

* In Dumfries and Galloway, I was contacted by parents who have campaigned against cutbacks in the additional support for learning service in the local authority. These have resulted in a re-configuring of the ASL service with reduced numbers of specialist teaching staff. I wrote to the Chief Executive and subsequently met with education officials who provided detailed information on the review process. I was informed that the parents are now involved in the review and implementation plan of the ASL service and the local authority is considering carrying out a Child Rights Impact Assessment on the proposed changes.
* In Glasgow, parents at a school in Govanhill have specific concerns about cuts in services for English as an Additional Language (EAL). I wrote to the local authority and the Director of Education replied, expressing regret for the decisions that had to be made as a result of budget overspends. The Director highlighted the lack of transparency in budget allocations for EAL within Grant Aided Expenditure (GEA) and pointed to the unique demography of the Govanhill area which has a large Slovak/Romanian Roma population. I am familiar with the issues having recently visited two Primary schools in the area.
* In Perth and Kinross, I was contacted by an individual with concerns relating to the management and provision of ASN. The complainant presented a number of individual case studies (un-named) dealt with by the local authority. I wrote to the local authority asking questions about procedures for dealing with children with additional needs and received a response from the Head of Education. This provided detailed answers to the questions I raised in respect of the ASN provision. I have subsequently been contacted by the local authority to assist them in conducting a Child Rights Impact Assessment on the proposed changes to ASN provision.
* In Ayrshire, I attended a meeting with over 50 children and young people from Dyslexia Ayrshire, with representatives from North, South and East Ayrshire. They raised many concerns regarding provision for children with dyslexia within the area (some examples of good practice were also given). The issues raised were similar to those highlighted in *‘Making Sense: Children and Young People in Scotland with Dyslexia (2014)* to which the Scottish Government has already responded. However, the overriding feeling was one of frustration at the lack of recognition and appropriate resourcing for dyslexia which was seen as one of the main barriers to support being provided.
* I have agreed to meet with Children in Scotland and the National Parent Forum of Scotland in the near future because they also have concerns about the provision for children with ASL needs in Scotland.

This is no more than a chance sample of evidence that we are failing to provide additional support for our most vulnerable children. I believe the examples given are merely the tip of an iceberg and the problem of failed implementation of legislation is widespread. We should be seriously concerned about it.

I would suggest that there are three issues to address.

1. We have to redouble efforts to ensure that the statutory duties under the additional support needs legislation are fully understood by all professionals with responsibilities under the legislation. The evidence is that this is still not the case after 10 years of implementation.
2. We count numbers of children assessed as in need of additional support, but there is no indication of whether appropriate support is being provided. In the absence of this, it is difficult to know what difference practice is making for our most vulnerable children. As a result, we do not have sufficient data at a national level to measure the unmet need for children with additional support for learning needs. It is vital we have relevant information to assist central and local government fulfil children’s right to maximum development.
3. Despite the good intentions of local authorities, fewer resources make improvements in services more difficult (not impossible, but more difficult). I believe that to have a realistic chance to improve provision of additional support for learning for our children, there needs to be more resources allocated. This would require a full assessment of need in line with the legislative duties and sufficient funding allocated through central government for delivery at local level.

I look forward to hearing from you.

yours faithfully

Tam Baillie

Scotland’s Commissioner for Children and Young People