

EXECUTIVE NOTE

THE ADDITIONAL SUPPORT FOR LEARNING (SOURCES OF INFORMATION) (SCOTLAND) AMENDMENT ORDER 2011 SSI 2011/102

The above instrument was made in exercise of the powers conferred by section 26(2)(i) of the Education (Additional Support for Learning) (Scotland) Act 2004 (“the 2004 Act”) and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

Section 26(2) of the 2004 Act enables Scottish Ministers to issue an order which specifies certain persons from which parents of children having additional support needs and young persons having such needs can obtain advice, further information and support in relation to the provision for additional support needs, including support and advocacy as referred to in section 14 of the 2004 Act and places local authorities under a duty to publish information as to those persons.

The Additional Support for Learning (Sources of Information) (Scotland) Order 2010 specified the following organisations as those certain persons:

- Children in Scotland: Working for Children and Their Families, trading as Enquire – the Scottish national advice service for additional support for learning; and
- The Scottish Independent Advocacy Alliance Ltd.

The Scottish Government has now agreed to provide funding to Barnardo’s Scotland, working in Partnership with the Scottish Child Law Centre, to deliver an advocacy service for parents and young people who have grounds to make a reference to the Additional Support Needs Tribunals for Scotland (ASNTS). The Scottish Child Law Centre will be the first point of contact for the new service and this Order adds the Scottish Child Law Centre to the list of specified organisations.

Consultation

A formal consultation process began on 5 October 2009 with the publication and distribution of ‘The Education (Additional Support for Learning) (Scotland) Acts 2004 & 2009: Consultation on Changes to the Secondary Legislation and Supporting Children’s Learning Code of Practice’.

Letters inviting on-line or written responses were issued to a wide range of stakeholders (4451 in all) including all local authority education and social work departments, health boards, all Scottish schools, colleges and universities, community councils and relevant voluntary organisations.

The consultation document set out the proposed legislative changes and sought stakeholder’s views on the proposed changes. Additionally, Children in Scotland, supported by the Scottish Government, hosted a series of five consultation and information events throughout Scotland during November and December 2009.

The consultation exercise ended on 8 January 2010 and 41 responses were received in relation to the persons to be specified in The Additional Support for Learning (Sources of Information) (Scotland) Order 2010.

Furthermore, the proposals and consultation findings were discussed by the Additional Support for Learning Implementation Group which provides a reference group of expert professionals and stakeholders.

While it had been our initial intention to include the advocacy service secured by the Scottish Ministers in terms of section 14A of the 2004 Act, as amended, this service was not secured by the time The Additional Support for Learning (Sources of Information) (Scotland) Order 2010 was laid in Parliament. The Scottish Government has now secured that service and this Order therefore fulfils that intention and reflects the earlier consultation.

Financial Effects

The instrument has no financial effects on the Scottish Government, local government and Health Boards or business.