



The Scottish Parliament  
Pàrlamaid na h-Alba

## EDUCATION AND SKILLS COMMITTEE

John Swinney MSP  
Cabinet Secretary for Education and Skills  
Scottish Government

### By email

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12<sup>th</sup> December 2017

Dear John

I would like to thank you on behalf of the Committee for accommodating the request for additional time to scrutinise the draft Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017. The Committee understands that the Government had consulted on the Code and also involved an Advisory Panel in its production before laying a draft before Parliament. The Committee sought comments from all those organisations that submitted comments to the Government's consultation on the Code seeking views on the contents of the code and also the process followed to revise it.

The Committee noted that section 3 of the summary of consultation responses states that the Code of Practice will require to be updated again in relation to information sharing. The Committee therefore anticipates that it will be required to consider a further revision of the ASL Code during the course of this parliamentary session. On that basis, the Committee wishes to make suggestions at this stage to feed into the process for the development of the next version of the Code.

Content - the Code is rightly providing a lot of detail to support those undertaking complex considerations. However, the Committee understands that a number of organisations have highlighted that there is scope to make the Code shorter and less complex. The Committee wishes to highlight the comments in the Children and Young People's Commissioner Scotland submission in particular that states: "We appreciate that the current version has had to be changed to comply with recent changes to legislation but feel it is important that the Code of Practice as a whole be reviewed..."

Accessibility - the Committee considers from the feedback it received from organisations on the Code that it would be useful to have a 'parent friendly' version

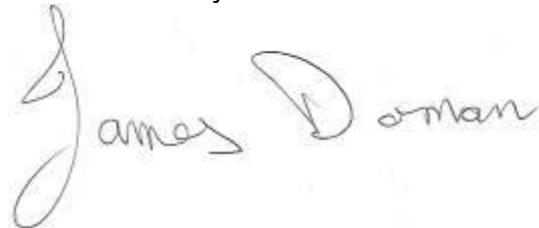
of the Code produced to enable parents, guardians and young people to easily understand what their rights are under the processes set out in the Code.

Consultation - the National Autistic Society suggested that, following consultation on the Code, it would be useful to issue a revised version that highlights which elements of the Code have been changed based on the consultation comments. It occurs to the Committee that this would be useful, enabling it and the organisations to easily identify which suggestions from the consultation have been factored into the Code and which have not.

Process for Parliamentary scrutiny - the Committee considers that it would be useful, to maximise the ability of the Committee to scrutinise the Code, if the Government could ensure the following has taken place before the 40 day period commences: publish the draft Code, including details of how it has changed during the consultation as suggested above; publish the consultation responses; and publish the analysis of consultation responses.

The Clerk to the Committee is happy to discuss any of the detail behind these comments with your officials if that would be helpful.

Yours sincerely

A handwritten signature in black ink that reads "James Dornan". The signature is written in a cursive style with a large initial 'J'.

**JAMES DORNAN MSP  
CONVENER**