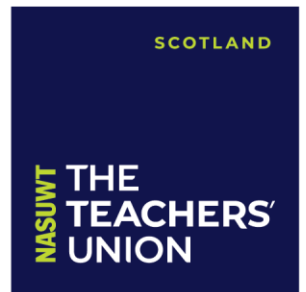


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Date: 07/05/2026



Scottish Government  
St Andrew's House,  
Regent Road,  
Edinburgh,  
EH1 3DG

**MATT WRACK**  
GENERAL SECRETARY

Dear Scottish Government

I am writing further to the 'Supporting Children's Learning - Code of Practice: statutory guidance consultation'.

NASUWT contacted Scottish Government officials on 02/03/26 to better understand the timing and intent of this consultation, given the urgent need to overhaul ASN provision in Scotland. By return the following explanation was provided:

'The consultation on the refreshed Code of Practice forms part of a ministerial commitment and was set out in the Additional Support for Learning Action Plan following Angela Morgan's 2020 Review of Additional Support for Learning. As outlined in the consultation paper published alongside the refreshed Code, the purpose of this exercise is to ensure that the updated guidance is clear, accessible, and supports consistent, lawful practice across Scotland.

While the legislation underpinning additional support for learning remains unchanged, the guidance has been revised to improve readability, reflect current policy, and assist education authorities, practitioners, parents, children and young people in understanding their rights and responsibilities'

It is unfortunate that time could not have been offered to meet with NASUWT to better explore the intention behind the refresh and how this aligns with the need for wider and more tangible systemic change.

The Union considers that the consultation questions posed in relation to the refreshed code are poorly framed and would only elicit a surface level response. Indeed one might complete the questions and say very little about what is actually needed and what the Code doesn't provide. NASUWT would wish instead to challenge what is covered within the Code: further legislation or regulation may thereafter be needed to address our concerns. The responses to our Union's ASN survey last year highlight many issues and the Code doesn't help to address them. I would direct you to the Union's response to the Public Audit Committee from September 2025 which sets our concerns out in detail:

<https://www.parliament.scot/-/media/files/committees/public-audit-committee/correspondence/2025/asl-nasuwt-to-pac-30-sept-25.pdf>

Specifically, in relation to the Code, it is unrealistic to expect teachers and other practitioners to read the whole of it. It is extremely detailed and cumbersome. If Scottish Government wished to make it more accessible then they should be presenting things in a way that teachers and other practitioners can use without wading through so much detail – the current approach to guidance takes no cognisance of teacher workload and shows no intention to tackle bureaucracy and systemic workload drivers.

There is also a lack of clarity regarding responsibilities and this is certainly a failing of existing legislation: for example, with Coordinated Support Plans (CSPs) we are aware from casework and member feedback that there are very few such plans in place. The code currently permits organisations, including Local Authorities, to interpret what is expected or required very broadly and, as a result, the burden often falls on schools and teachers in classrooms.

Paragraph 37 of chapter 1 says:

*37. An appropriate agency must help the education authority in carrying out its functions, if requested. However, an agency is not required to comply if the request is incompatible with the agency's own statutory duties or unduly prejudices the agency's discharge of its own functions.*

An appropriate agency includes health services. This section seems to give them permission to get out of their responsibilities and leave Local Authority Education Departments or schools to foot the bill (it is understood that many health services would say that they are overwhelmed by the pressures on their services).

The lack of coordination at school or setting level is a real issue as it means that things are being left to classroom teachers. The Code should instead clarify how teachers and other staff will be supported to fulfil their roles.

NASUWT considers the Code and associated legislation to be wholly inadequate and in the context of a recently promised overarching ASN review, this refresh of the code seems to be, at best, a tick box exercise to meet a dated commitment and, at worst, an attempt to paper over the cracks in a flawed support system for ASN in Scotland. The current system for ASN support is as much the problem as what is or is not in the Code.

Kind Regards

Mike Corbett