

East Lothian Council
Resources and People Services
Education

Statutory Consultation Report

**Report on the outcome of the consultation on the proposal
to establish a new Additional Support Needs (ASN)
specialist provision at Law Primary School**

July 2026

This Consultation Report has been issued by East Lothian Council in accordance
with the Schools (Consultation) (Scotland) Act 2010.

If you have difficulty reading this document, please
contact the Learning Estate team 01620 827 827 or email
educationconsultations@eastlothian.gov.uk

Contents

1. Introduction.....	1
2. Background	1
3. Considerations	2
4. The Consultation Process	3
5. The Public Meeting	4
6. Pupil Voice.....	5
7. Survey Responses.....	5
8. Report from His Majesty’s Inspectorate of Education in Scotland (HMIE)	8
9. Integrated Impact Assessment and Child Rights.....	9
10. Education Authority Response	11
11. Alleged Omissions or Inaccuracies	12
12. Compliance with Section 9(1) of the Schools (Consultation) (Scotland) Act 2010	13
13. Conclusions	13
14. Recommendations.....	14
Appendix 1 – Note of public meeting.....	15
Appendix 2 – Note of Pupil Voice Group	21
Appendix 3 – Survey Results.....	24
Appendix 4 – Respondent Comments	25
Appendix 5 – Report from His Majesty’s Inspectorate of Education in Scotland	35
Appendix 6 – Integrated Impact Assessment	39
Appendix 7 – Child Rights and Wellbeing Assessment.....	51

1. Introduction

- 1.1. This report has been prepared following a public consultation on the proposal to establish a new Additional Support Needs (ASN) specialist provision at Law Primary School and in accordance with the Schools (Consultation) (Scotland) Act 2010 and the purpose of which is to:
- Provide a record of the total number of written responses made during the statutory consultation period.
 - Provide a summary of the written responses.
 - Provide a summary of oral representations made at the public meeting held on 24 March 2026
 - Provide a statement of the Council's response to those written and oral representations.
 - Provide the full text of His Majesty's Inspectorate of Education in Scotland (HMIE) report and a statement of the Council's response to this report.
 - State how the Council reviewed the above proposal following the representations received during the statutory consultation period and the report from HMIE.
 - Provide details of any omission from, or inaccuracy in, the proposal document and state how the Council acted upon it.
 - State how the Council has complied with Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposals.

2. Background

- 2.1. The Education (Scotland) Act 1980 places a legislative duty on the Council to make adequate and efficient provision of school education across its area. This duty applies in respect of both the current school population and anticipated pattern of demand. It is the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents and the mental and physical abilities of the children to their fullest potential.
- 2.2. The Education (Additional Support for Learning) (Scotland) Act 2004 places a legal duty on local authorities to identify and assess additional support needs and to make adequate and efficient provision tailored to meet individual needs.
- 2.3. The number of all children and young people with all levels of additional support needs (ASN) is rising. Nationally 43% of children and young people have an ASN and this figure is 40.5% in East Lothian.

- 2.4. For children and young people with severe, complex and enduring needs, which cannot be met within a mainstream school setting, East Lothian has six specialist ASN provisions attached to mainstream schools.
- 2.5. There has been a significant growth in demand for specialist ASN provision. Between 2020 and 2025 this demand has increased by 132%.
- 2.6. The existing specialist ASN provision is now at full capacity and in recognition of the increasing need for spaces and East Lothian's position as the second fastest growing local authority in Scotland, officers carried out an extensive scoping exercise to identify existing capacity within the learning estate, which was suitable for adaption to new specialist ASN provision.
- 2.7. Law Primary School is one of 3 schools identified and is the subject of this consultation report. The full proposal is available on East Lothian Consultation hub here - [Law ASN Proposal](#). If approved by East Lothian Council, implementation planning would commence immediately with the opening date of August 2027.

3. Considerations

- 3.1 The main considerations relating to the establishment of a new Additional Support Needs (ASN) provision at Law Primary School are fully explained in the consultation proposal document and the main points are highlighted below:
 - Education Service's Vision for East Lothian to be an inclusive place to live and learn and all children are supported to have the very best start in life.
 - Belonging to East Lothian – as far as possible, provision should be available for children and young people in the localities in which they live.
 - Historic, current and projected population growth in the county.
 - National and local trends showing an increasing number of children and young people with ASN.
 - Capacity and location of current ASN Provision across the county.
 - Increase in referrals to the Education Resource Group (ERG) for children and young people with severe, complex and enduring needs.
 - Projected increase of future ASN provision rolls.
 - East Lothian Council's Learning Estate Strategy.
 - United Nations Convention on the Rights of the Child (UNCRC)
 - National approach of Getting it Right for Every Child (GIRFEC)
 - Local Development Plan (LDP2)

- Capacity within the mainstream learning estate that is suitable for adaption to ASN specialist provision.
- A need to increase the number of Additional Support Needs (ASN) provision spaces to meet demand across the authority.

4. The Consultation Process

- 4.1. On 17 February 2026, approval was given by East Lothian Council to undertake statutory consultations relating to proposals to establish new Additional Support Needs provisions in 3 schools, including Law Primary School and to report back to Council on the findings.
- 4.2. The Consultation Proposal Document, along with information leaflet, younger person information leaflet, frequently asked questions, and public event information was published on East Lothian Council's Consultation Hub. A dedicated webpage on the Council's website included a brief overview and links to the Consultation Hub. Paper copies of the proposal were made available from the school and the local library. An initial sketch plan of the proposal was produced and displayed in the reception foyer of the school for stakeholders to view.
- 4.3. Notification was sent by email to all statutory consultees prior to the commencement of the consultation; this communication signposted to the proposal documentation, online survey and advised of the consultation period which ran from Tuesday 03 March 2026 – Tuesday 05 May 2026. Posters were displayed in all public buildings throughout the county advertising the consultation, these included a QR code linking to the dedicated Council webpage mentioned above, social media posts were scheduled throughout the consultation period, and a press release was issued.
- 4.4. Members of the public were offered a range of engagement events and response mechanisms to express their views and ask questions throughout the consultation period including, a public meeting on Tuesday 24 March, bookable online drop-in sessions at various times of the day between Monday 30th March and Wednesday 1st April, officer attendance at the parent council meeting, email response, postal response and an online survey.
- 4.5. The Council has met the requirements set out in the Schools (Consultation) (Scotland) Act 2010 with regards to ensuring the views of the community were listened to and their views are included in this report. It is for members of East Lothian Council to decide to adopt the proposal, withdraw it or seek to consult on another proposal

5. The Public Meeting

- 5.1. A public meeting was held at North Berwick High School from 6pm-8pm on Tuesday 24 March 2026.
- 5.2. 5 East Lothian Council representatives were in attendance including the Head of Education. Council officers presented an overview of what ASN Specialist Provision is and what the proposals for Law Primary School are.
- 5.3. 13 members of the public attended, including parents and staff from Law Primary School and members of the community.
- 5.4. A minute of the public meeting is available in [appendix 1](#). Attendee questions emerged in 3 main themes, note that The Education Authority response to the below themes is detailed in [section 10](#) of this report:
 1. The increase in numbers of children with complex needs
 2. Selection of Law Primary School for ASN specialist provision
 3. Perceived impact on the mainstream school.
- 5.5. **The increase in numbers of children with complex needs** – attendees were curious to understand the underlying reasons for the general increase in children presenting with additional support needs and generally agreed with the need for additional ASN provision capacity. There was curiosity around the profile of children that would attend the proposed provision and how the provision would cater for their needs.
- 5.6. **Selection of Law Primary School for ASN specialist provision** - attendees were curious to understand why Law Primary School was identified for ASN specialist provision, if an extension would be required, if it was a temporary or permanent solution and if only one of the three proposals being consulted on would be taken forward. There was some concern raised about what would happen if the mainstream demand increased in future.
- 5.7. **Perceived impact on the mainstream school** – attendees were concerned about how the provision will affect the rest of the school, if adaptations in the mainstream were needed to cater for the provision pupils when accessing mainstream, and whether there was risk to the school associated with this proposal. Some concern was raised about the practicalities of traffic in the area and the impact on the turning circle.
- 5.8. The public meeting was closed by the Head of Education who thanked those attending for their contributions and noted that a draft plan for viewing would

be displayed in the reception foyer of the school for the duration of the consultation. A QR code linking to the online survey was displayed for those who would like to share their views anonymously.

6. Pupil Voice

- 6.1. Two pupil voice focus groups were held at Law Primary School on Friday 20 March 2026. These consisted of a group of thirteen P1-P3 pupils and a group of fifteen P4-P7 pupils. For full note, see [appendix 2](#).
- 6.2. Sessions were led by the Principal Officer for Equity and Inclusion together with the Education Support Officer for Equity and Inclusion and were tailored to the developmental stage of the children in attendance.
- 6.3. The officers explained what a consultation is, what a specialist ASN provision is, how it would work at their school, and what the proposed adaptation plans are for Law Primary School.
- 6.4. Children in attendance and asked questions about how it will affect their school, classes that currently are in the space proposed for ASN provision and what work would take place. They were keen to know if the children in the provision can join in with the mainstream school activities and join them in the playground.
- 6.5. The children were very positive overall and commented on how they liked the proposal, that children can get the extra help they need, and it would make the school an enjoyable place for more people. Some pupils had friends or siblings that go to provision, and they think it is a good thing for them. Pupils liked that children could go to school close to home and do not need to travel far away.
- 6.6. The Principal Officer for Equity and Inclusion closed the sessions by thanking the pupils for their contribution and signposting them to the survey which they could complete if they wish, and they could have support from a parent or teacher if needed.

7. Survey Responses

- 7.1. The survey could be completed on paper and returned by post using the questionnaire attached to the proposal or alternatively completed online. The

Council received 118 responses to the survey during the consultation period, all of which were submitted online. All results are available in [appendix 3](#).

- 7.2. 114 responses were from individuals and 4 were submitted on behalf of a group. 74% of responses were received from parents. The breakdown of the stakeholders that responded are detailed in table 1 of [appendix 3](#).
- 7.3. Of the 20 “other” respondents, 18 used the provided box to elaborate, these respondents consisted of local residents, relatives of pupils, third sector organisations, retired and current teachers.
- 7.4. 53% of respondents live in the Law Primary School catchment area and 9% from other North Berwick catchments. 37% of respondents were from other areas. See [appendix 3](#), table 3 for a full breakdown.
- 7.5. Of the 87 respondents that indicated they were parents, 48% considered their child to have additional support needs (ASN) opposed to 41% who did not.
- 7.6. 89% of parents that responded have primary school age children, 3% have only children under 5 and 8% have only young people in secondary education.
- 7.7. **Proposal Question** - when asked to what extent do you agree or disagree with the proposal to establish a new specialist ASN provision at Law Primary School, the response was overwhelmingly supportive with 93% of respondents that agree and strongly agree with the proposals.

Opinion	Responses	% of total
Strongly agree	79	67%
Agree	31	26%
Disagree	0	0%
Strongly disagree	4	3%
No opinion	4	3%

- 7.8. Of the 60 parents and future parents of Law Primary School pupils, 87% agree or strongly agree with the proposals, 7% disagree or strongly disagree and 7% had no opinion.
- 7.9. Of the other stakeholder groups the following proportion agreed or strongly agreed with the proposal:

Stakeholder Group	% Positive
Member of staff at Law Primary School	100%
Not Answered	100%
Other	100%
Parent / Carer of pupil(s) attending another school	100%

7.10. The survey provided space for respondents to leave further comments, of the 118 responses, 59 (50%) respondents chose to leave a free text comment.

7.11. A thematic analysis identified the below themes, which were counted only once per comment, but some comments spanned more than one theme. The top 4 themes show a broad support for the need of more provision and the benefits of opening a new ASN specialist provision which aligns with the strong response in support of this proposal. The Education Authority response is detailed in [section 10](#) of this report. Non-confidential comments are noted in [appendix 4](#), please see a summary of all the identified themes below:

Theme	Count
Benefit of inclusion / meeting individual needs	28
Benefit of ASN provision places more locally	18
Increasing need for provision	17
Will benefit whole school	10
Concern of disruption to wider school	7
Concern about recruitment of staff	5
Benefit of specialist staff	4
Concern about parking / access	3
Concerned about diversion of mainstream resources	3
Concerns about segregating children	3
Less disruption in mainstream classes	3
Loss of sensory room from mainstream	3

7.12. Three comments were left by the 4 respondents that strongly disagreed:

“The consultation document provides no discussion or insight on the impact to non-ASN pupils. Everything is framed through the value of the proposal to ASN pupils. There is a statement that additional capital resources will be required to build/convert the space; and secondly ongoing funding will be needed to run the ASN part of the school. These are positioned as observations only, and there is no commitment by ELC that increased funding will be provided to Law Primary. Thus, it is not possible to understand what the impact will be on non-ASN pupils, therefore I need to disagree with it.”

“Unfair on Law Primary pupils to have to learn next to other kids from outside their town with ASN. Will be hugely disruptive to their learning and instead of all Primary Schools taking their share of kids they are all being dumped unfairly on the kids of North Berwick.”

“My concern is safety when it comes to bringing in children with complex and enduring conditions that may result in injury to another pupil. I also have concerns about transporting children from outside the area who may not have links with the community. The increase in traffic is also a road safety concern at busy times when there are a lot of children crossing roads. I understand that the children will be separated, and there will be procedures to ensure children who may harm others are not able to, however what happens if these procedures fail and there is an injury to a pupil?”

- 7.13. However, the majority of respondents could see the clear benefits of the proposed provision. Some excerpts are noted below:

“An ASN provision is critical for any school hoping to practice inclusivity and wishing to support the needs of children who may require it in order attend a mainstream school. And it certainly will be needed and well used in a Primary of 900 pupils.”

“All schools are in-need of these provisions so to have Law Primary granted them it will be a huge benefit to the school and all pupils and staff members so attend there.”

“I think separate provision is good as will benefit those with ASN who need more specialist help, often the range of children in a class is far to wide for teachers to be able to teach all effectively. Also could benefit the mainstream provision as hopefully classes will be more equitable.”

“It would enable children not to travel further than necessary to remain in their catchment area or closer too. Spread resources and upskill more staff which benefits all children.”

8. Report from His Majesty’s Inspectorate of Education in Scotland (HMIE)

- 8.1. In line with the Schools (Consultation) (Scotland) Act 2010, a report was produced by His Majesty’s Inspectorate of Education in Scotland (HMIE).
- 8.2. A representative from HMIE attended the public meeting on Tuesday 24 March 2026 as an observer and following the end of the consultation period, reviewed the consultation responses and met independently with relevant stakeholders of the school.

- 8.3. The full text of the report prepared by HM Inspectors is available in [appendix 5](#) of this report.
- 8.4. HMIE agree that the Council's proposal should provide educational benefits for children with additional support needs with potential to provide better and more targeted support for children that need it. They also noted there is a lack of provision in the local area and a new provision at Law Primary School will provide children with opportunity to be educated in their local community in the same school as their peers.
- 8.5. It was noted that overall, the stakeholders that met with the HM Inspector agreed that there is a need for ASN provision at Law Primary School to provide a nurturing and supportive learning environment for children with additional support needs and they see potential benefits to the wider school and local community and will further develop further approaches to inclusion.
- 8.6. HM Inspectors highlight however the reservations of some parents around loss of current space and are worried about the impact on parking, drop of and pickups due to increased number of children, parents and staff needing access to the school.
- 8.7. The Education Service accepts HMIE's recommendations and will continue to work with the Head Teacher and wider school community throughout the design and build process should the proposal be approved.

9. Integrated Impact Assessment and Child Rights

- 9.1. The Education Service has assessed the impact of our proposal on equalities groups and published the results on the East Lothian Council webpage for Integrated Impact Assessment (IIA). A copy can be found within [appendix 6](#). Our process sets equality considerations alongside our social policy objectives like tackling poverty. It also considers the impact of our proposal in relation to the environment and the economy. In summary below:
- 9.2. Children and young people with severe, complex and enduring needs are considered a protected and vulnerable group in line with the Equality Act 2010 with the protected characteristic of disability. For many of these children, mainstream education is not accessible, therefore access to ASN specialist provision greatly improves their ability to thrive and reach their full potential. Equity and inclusion are the fundamental objectives of the service.

- 9.3. The proposal may lead to a positive impact for women, since women are often the main carers for children, provision can potentially provide more support for this group and for families at risk of poverty who may find it difficult to work due to full time caring responsibilities.
- 9.4. Potential to tackle climate change, by opening provision in an area which currently has none may reduce the need for travel to where provision is currently located. Conversely, there is potential for increased traffic with an increase in the number of staff and children traveling to the provision from surrounding areas. This will be mitigated by promoting active travel which may lead to less reliance on personal vehicles for commuting and drop off for the provision will be carefully planned and managed with support from the school and colleagues in transport.
- 9.5. A reduction in mainstream space, in particular the sensory room which will be incorporated into the provision will have access planned for mainstream pupils who would benefit from access to it.
- 9.6. As a result of the Integrated Impact Assessment, officers have identified key success indicators to track the effectiveness of the proposal if implemented. This will be through monitoring pupil wellbeing and achievement tracking, which is already undertaken, tracking of referrals and placements of children in relation to where they live, as well as monitoring the number of disputes and tribunals and parent feedback.
- 9.7. United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act ("The Act") received Royal assent in January 2024. The Act sets out an expectation of a Scotland where children's human rights are embedded in all aspects of society, with children and young people empowered to give their views and be included in conversations on matters that affect them. A Children's Rights and Wellbeing Impact Assessment (CRWIA) on this proposal was also completed, which is summarised below:
- 9.8. The proposal was assessed to have a direct positive impact for children with severe complex and enduring needs by increasing the availability of spaces within the service. Mainstream children will also benefit from increased opportunities for inclusion and access to provision facilities, this protects the following rights of the child:
- Article 2, all children have these rights no matter what their differences.
 - Article 3, primary consideration is the best interests of the child.
 - Article 12, respect for the views of the child.

- Article 23, mentally or physically disabled children should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
 - Article 28, right to education
 - Article 29 – aim of education to develop the child's personality, talents, and mental and physical abilities to their fullest potential
- 9.9. Both mainstream and provision pupils may be impacted by change and the challenge of transition and uncertainty. The staff will plan for and support all children through the changes, children will be kept informed and listened to.

10. Education Authority Response

- 10.1. Oral and written comments received during the consultation period have been carefully considered with cognisance of the HMIE recommendations and outcomes of the Integrated Impact Assessment and Child Right's and Wellbeing Impact Assessment. The Council response is outlined below, grouped by the themes identified during public events and survey responses.
- 10.2. **The increase in numbers of children with complex needs:** There are multiple complex factors contributing to the increased number of children with ASN and the need to increase capacity of ASN provision. Improved awareness and better identification of needs, societal and health related factors such as increasing prevalence of autism, ADHD, mental health needs and other neurodevelopmental conditions, poverty and post covid impacts including increased anxiety, trauma, and disrupted development. In addition, East Lothian has seen significant migration to the area as the 2nd fastest growing local authority.
- 10.3. **Selection of Law Primary School for ASN specialist provision:** Law Primary School was selected for potential ASN specialist provision due to current available capacity and falling roll which is projected to continue to fall ([see section B, para. 38-42 of the proposal document](#)). The school also meets the suitability requirements with classrooms on the ground floor with access to outside space, a suitable door to locate an entrance and good accessibility. North Berwick currently has no ASN provision and The Education Service's long term vision is for ASN provision in every locality within the county.
- 10.4. **Impact on the mainstream school:** The ASN provision is funded separately and would have no impact on the funding of the mainstream school and support resource that is already in place. Preliminary financial discussions

regarding capital and revenue funding have taken place in preparation of this proposal. Any inclusive activities where children from the specialist provision attend mainstream activities are carefully planned and staffed appropriately to ensure success. This is evidenced in how our current specialist provisions operate. The provision operates as part of the school and will be led by the Head Teacher of the school, however day to day management of the ASN provision would be the responsibility of the dedicated Depute Head Teacher who will be recruited if the proposal is approved. A respondent asked *“Can consideration be given to advanced recruitment of some of the staff.... to accelerate the staff onboarding, and have them operating within the current school”*, if the proposal is adopted, consideration can be given to this.

- 10.5. **Concern about increased traffic around school and turning circle:** The car park for staff at Law is limited and like many other schools and workplaces can be challenging. Initial sketch plans include an option for an enhanced drop off area to help manage the increase in drop off traffic. The Education Service will work with colleagues in transport and school leadership to carefully plan and manage drop-off for the provision, staggering arrival times if necessary. Active travel to work for staff will be promoted such as park and stride and use of the nearby train station and bus routes.
- 10.6. **Perceived benefits:** several positive themes emerged from the survey comments that align with the educational benefits outlined in the [Consultation Proposal Document](#), such as the addition of specialist staff to the team will provide opportunity for professional development of existing staff, through sharing of skills and ideas. The provision will benefit the whole school with access to resources for the mainstream pupils where appropriate. There was wide recognition of the need for inclusion and meeting the needs of all children and the increasing need for more provision spaces to meet the recent increases in demand. Having more provision in more localities, will in many cases, reduce the distance children need to travel for their education within the county.

11. Alleged Omissions or Inaccuracies

- 11.1. Section (10) (3) of the Schools (Consultation) (Scotland) Act 2010 places a requirement on the Council to provide details of any inaccuracy or omission within the Consultation Proposal Document which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why

- 11.2. There were no inaccuracies or omissions within the Consultation Proposal Document either identified by the Council or raised by consultees during the consultation period

12. Compliance with Section 9(1) of the Schools (Consultation) (Scotland) Act 2010

- 12.1. Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

- (i) written representations received by the Authority (from any person) during the consultation period,
- (ii) oral representations made to it (by any person) at the public meeting,
- (iii) HMIE's Report

- 12.2. The feedback from the consultation was considered by Officers and all the questions and comments raised were considered in detail. Advice and input were sought from other Council Services where needed to consider the issues raised. This ensured that the Council met the requirements to review the proposal under Section 9(1) of the 2010 Act.

- 12.3. East Lothian Education Service officers have considered written and oral representations carefully, objectively and equally and the response is set out in section 10 of this report.

- 12.4. The educational benefits were reviewed in respect of the HMIE report and representations made. There were no factors included in the report or representations made requiring any aspect of the educational benefits to be reconsidered.

13. Conclusions

- 13.1. In review of the analysis of all oral and written comments to the statutory consultation and survey detailed in this report, it is clear there is strong support for the proposal to open a new ASN specialist provision at Law Primary School.

13.2. Officers have carefully considered the issues and challenges raised through informal engagements with stakeholders and formal consultation processes and have outlined explanation and proposed mitigations in section 10 of this report.

13.3. The Council has three options, namely:

- (i) Adopt the proposal;
- (ii) Withdraw the proposal and maintain the status quo;
- (iii) Undertake a further consultation exercise on a new proposal.

13.4. In withdrawing the proposal and not increasing the number of ASN specialist provision spaces in North Berwick, then there is a risk that the Council could be taken to ASN Tribunal and ordered to provide this within its own estate or by paying for children and young people to attend costly out of authority placements.

13.5. HMIE agree that there are potential educational benefits to this proposal including increased opportunities for children with severe and complex needs to be taught in the same school as their peers.

13.6. If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Consultation Proposal Document would materialise. There would also be a requirement that close joint planning with parents/carers, staff and pupils, is well managed in ways which are supportive to the pupils concerned, and in their long term interests.

14. Recommendations

14.1. The recommendation of officers is that the Council should adopt the proposal to establish an ASN specialist provision at Law Primary School.

14.2. This is recommended on the basis of the feedback received during the consultation period and taking account of the education and social benefits of the proposal and the HMIE report.

Appendix 1 – Note of public meeting

Public Meeting **Law Primary School ASN Consultation**

Tuesday 24th March 2026 @ North Berwick High School (6pm-8pm)

In attendance:

East Lothian Council representatives:

Nicola McDowell (NMCD), Head of Education.

Jennifer Boyle (JB), Quality Improvement Manager for Equity & Inclusion.

Kirsten Robinson (KR), Team Manager Learning Estate.

Stephen Buggy (SB), Education Support Officer.

Hannah McBride (HB), Depute Head Teacher (Outreach) Education.

Representative from His Majesty's Inspectors of Education (HMIE):

Denise Penman – HMIE Inspector.

13 Members of the public and Law PS community:

(Consisting of parents and staff at Law PS and members of the public).

Introduction:

NMCD gave welcome and provided overview of the evening and explained the steps involved in the public consultation as follows:

- All members of the public have the opportunity to share their views regarding the proposal today or online, via consultation survey.
- The consultation and survey remain open until 5th May 2026.
- A representative from HMIE (LT) has involvement in the consultation.
- The consultation report is planned to be published around July - August 2026.
- East Lothian Council's Council will make a decision around August – September 2026.

NMCD also welcomed and explained the Involvement from HMIE:

HMIE have a legally defined role in all public consultations when the opening of a new Additional Support Needs (ASN) Specialist Provision is being considered by Local Authority.

NMCD explained that once the consultation period ends, HMIE prepares an independent and impartial report evaluating the ELC proposal.

In forming their view, HMIE will review the council's proposal paper as well as taking into consideration all of the consultation materials and written representations made during the consultation period.

Specialist Education Provision in East Lothian:

JB explained that the consultation is to discuss the opening of new specialist provision at Law PS. In ELC, specialist provisions provide education for children and young people where it has been assessed, that their needs cannot be met in a mainstream school environment. Children and young people attend our specialist provisions where it is assessed that they have severe, complex and enduring needs.

JB provided an overview of the current specialist educational provision in East Lothian and outlined the proposed changes to this provision, which includes opening new specialist provisions within Law Primary School, Law Primary School and Musselburgh Grammar School.

JB provided a summary of the drivers that have led to the need for increased ASN capacity across ELC and outlined the long-term vision of creating specialist educational provision across all areas of ELC.

Proposed Specialist Provision for Law PS:

KR presented initial plans and drawings of the proposed location of the new specialist provision within Law PS and the likely impact on the current school building and layout.

KR explained that the drawings and sketches presented are only a basic outline. No architectural and planning work will be undertaken until after the consultation and ELC make decision on whether to go ahead with the proposal.

KR explained that should ELC decide to proceed with the plan to create the proposed specialist provision within Law PS, the architectural, design and planning team will work with the HT of the school and members of the Equity and Inclusion Team in creating and finalising the plans. Once completed, the new plans and layout of the school building and surrounding playground will be shared with the school community.

Questions that arose during the meeting:

1. Why has there been such an increase in the numbers of children young people requiring specialist provision in ELC?

JB explained there are multiple factors for increased need for specialist provisions, such as:

- New houses being built, with ELC being the 2nd fastest growing local authority in Scotland.
- Across all local authorities there is a broader definition of ASN. ASN can arise from wider range of factors including, but not limited to, learning environment, family circumstances, health, disability, social and emotional factors, even short-term life events like bereavement or stress.

- Scottish Government data shows that rising ASN numbers are partly driven by improved awareness and identification of needs.

JB also commented that other societal and health-related factors are part of the reason for the rise in numbers, such as:

- Increasing prevalence of autism, ADHD, mental health needs, and other neurodevelopmental conditions.
- Poverty and associated stress impacting behaviour, attendance, and emotional wellbeing.
- Post-Covid impacts, including increased anxiety, trauma, and disrupted development, which amplify support needs.

2. Have the ASN categories and definitions changed in recent years?

No. JB explained that it is the same categories and definitions of ASN used by the Scottish Government and Schools across the period of time that has seen the rise in the level of ASN recorded in schools.

3. Why has Law PS been chosen for a specialist provision?

JB explained that 2 main factors are a) the need to create specialist provision within the North Berwick catchment as part of ELC's long term vision and b) long-term school roll projections have identified that there is physical space (classrooms and additional facilities) within Law PS to make this proposal feasible.

4. We know there are 3 consultations, but are you only looking to open and go ahead with 1 or 2 of these options?

JB explained that planning is in place to open all 3 specialist provisions, subject to the evidence presented via the statutory consultation process.

5. Would the creation of the specialist provision include the building of additional rooms to the existing school building?

No. The proposal for a specialist provision is to use existing rooms, space and facilities within the current building. There will be no additional buildings built.

6. What happens if there is an increased demand for mainstream places in future years and there is no space left in school?

KR explained that ELC continually create and review roll projections (10+ years) for all communities across ELC. The data projections do not foresee an issue in meeting the overall demand for places within Law PS that also has a specialist provision.

7. What is capacity of the specialist provision?

The proposal is for 4 classes to be created within the specialist provision, with an overall maximum of 32 pupils (4 x classes of 8 pupils).

8. If the specialist provision was to go ahead, how does it affect the rest of the school?

JB explained that we do not foresee any negative impacts to the school. There would be opportunities for Inclusion between the provision and the mainstream school. JB explained that once any new specialist provision is created within a school in ELC, the provision operates as part of the school led and managed by the Head Teacher (HT) of the school.

JB commented that, as is the case with our current specialist provisions, that should there be a specialist provision in Law PS, there will be many opportunities for inclusion, sharing of resources and facilities between the provision and the mainstream school. There will also be the opportunity for staff to work together and benefit from the skills and experience found in both a specialist provision and mainstream school.

9. Will other adaptations be required within the existing school to support pupils when they are part of activities e.g. in classrooms, lunch hall etc.

JB explained that there is no need for any structural changes. There may be some aesthetic changes, but these would be minor and would not negatively impact the learning experience of all other pupils.

10. How permanent would the specialist provision be within Law PS? Could it be removed?

JB explained that should the proposal be accepted and a specialist provision be created within Law PS, this would be a permanent resource within the school and there would be no intention to remove this in future years.

11. What happens if following the consultation, ELC do not decide to open a new specialist provision at Law PS?

If decision made is not to proceed with specialist provision at Law PS, ELC staff will continue to consider schools in other areas of East Lothian, as appropriate, to potentially open a specialist provision. Not to go ahead with the specialist provision at Law PS will mean that

the North Berwick area will continue to not have a specialist provision to support those primary aged children and young people with severe, complex and enduring ASN.

12. Will this new provision be for pupils with complex health needs? What will the profile be?

JB explained that all our provisions are designed in principle to meet the needs of all children and young people with severe, complex and enduring needs. However, our data tells us that the increased need and demand for specialist provision places is for those children and young people who have a neurodiverse profile, and it is this profile primarily that our new specialist provisions are being designed to cater for.

13. What are the risks to the school associated with this project?

JB explained that there are no identified risks to the school should there be a specialist provisions created in Law PS. The model for our specialist provisions ensures that the provisions have sufficient autonomy and independence to function without impacting negatively on the mainstream school e.g. any inclusive activities where children from the specialist provision attend mainstream activities are carefully planned and staffed appropriately to ensure success. This is evidenced in how our current specialist provisions operate.

The risk to not creating specialist provisions is that there is not enough capacity across ELC estate to meet the demand for specialist provisions places. In this situation, children and young people who would typically be offered a place and attend specialist provision would instead be placed in their mainstream catchment school.

14. Has there been consideration given to the impact on the turning circle proposed as the drop-off area?

Yes. KR highlighted that initial sketches show the need to make changes and adaptations to the area identified as an enhanced drop-off area. The final design and look of this will not be known until a decision is taken, following the consultation process, to go ahead with the creation of specialist provision. JB also commented that there would be a carefully considered plan created by the management of the specialist provision, supported by their staff, to support drop-offs and pick-ups each day.

15. Will there be any covered areas outside for the specialist provision to access.

KR explained that there is an enclosed and dedicated outside area identified for specialist provision use only. Should the proposal go ahead, the design team would consider the

creation of covered areas for this area. Other specialist provisions currently have covered areas for pupils to use when outside.

16. What is the timescale for the project?

If the proposal goes ahead, the specialist provision would open in August 2027.

Conclusion:

NMcD brought the meeting to a close by thanking everyone for their views and contributions. NMCD explained the current plans are not for public use, as they are only drafts, however, they will be put on display within Law PS for the community to view. NMCD reminded everyone that the public survey is open and the QR code (displayed on screen) can be used to complete the survey.

Appendix 2 – Note of Pupil Voice Group

Law Primary School ASN Consultation

Pupil Voice Group

Friday 20th March 2026 @ Law PS

In attendance:

East Lothian Council representatives:

Leanne Ayton (LA), Principal Officer – Equity and Inclusion.

Stephen Buggy (SB), Education Support Officer – Equity and Inclusion.

P1-3 Pupil Voice Group: 13 pupils attended / P4-7 Pupil Voice Group: 15 pupils attended.

Introduction:

LA provided overview of the session, explaining the steps involved in the public consultation:

- Consultation is to consider opening a Specialist Provision at Law PS.
- All members of the public can share their views via the survey.
- The consultation report is planned to be published around July - August 2026.
- East Lothian Council's Council will make a decision around August – September 2026.

Specialist Education Provision in East Lothian:

LA explained the consultation is to discuss the opening of a specialist provision at Law PS. In ELC, specialist provisions provide education for pupils where it has been assessed, that their needs cannot be met in a mainstream school environment. Our specialist provisions are for pupils who are assessed to have severe, complex and long-term needs.

Proposed Specialist Provision for Law PS:

LA presented initial plans and drawings of the proposed location of the new specialist provision within Law PS and the likely impact on the current school building and layout.

LA explained that the drawings and sketches presented are only a basic outline. No building or planning work will start until after the consultation and ELC make decision on whether to go ahead with the proposal.

LA explained that should ELC decide to proceed with the plan to create the proposed specialist provision within Law PS, the design and planning team will work with the HT of the school in creating and finalising the plans. Once completed, the new plans and layout of the school building and surrounding playground will be shared with the school community.

Questions that arose during both meetings:

1. Will it affect anything in the school?

We do not expect the new provision to change anything for the school or anything that is currently provided stopping.

The provision will have its own teaching and support staff separate from the school. Pupils in the provision may join classes and activities in the school and sometimes pupils in the school mainstream classes may join lessons or activities in the provision. This will only happen if it is what the pupils want, and the staff think this would be a good idea for everyone.

2. What needs will the pupils in the provision have? Will they be deaf and blind?

The pupils would be assessed as having severe and complex needs. Most likely this would mean that the pupils may have multiple needs e.g. Autism and ADHD or Autism, Dyslexia and Hearing Impairment etc.

3. What will happen to the classes in that space just now?

The classes currently using the space identified for the provision will move to another part of the school. One of the reasons, Law PS has been chosen is because there are enough classes and spaces in the school to fit all the current classes and the new provision classes.

4. When will the specialist provision open?

The earliest time for classes to be open would be August 2027.

5. Will the pupils in the specialist provision come to our assemblies and lunch hall?

Yes, if this is something that they can manage and want to do. Joining activities in the mainstream classes will be possible but will require careful planning and support from staff.

6. Who will decide who gets to go to the provision?

There is a group of professionals who are part of the Education Resource Group (ERG) who make these decisions.

7. Will pupils in the provision be in their class all day?

It will depend on what is best for each pupil, each day. The staff in the provision would plan each pupil's school day based on what is best for them each day. Sometimes, this may mean that they stay in their provision class all day, sometimes it may mean they join a class in the main school or other activity e.g. lunchtime.

8. Will the pupils in the provision be able to join our classes or use our playgrounds?

Yes, this will be possible. Staff will think about this for each pupil and if it is a good idea for some pupils and they want to do this, the staff in the provision will work with the staff in the mainstream classes to plan this.

9. If there are only 4 classes, how does that cover P1-P7?

Usually, all the classes in a provision will be composite classes. This means the plan will be to have more than 1 year in each class e.g. P1-3 class or P2-4 class etc.

10. Will the pupils in provision have separate Music and PE lessons?

This could happen, but we won't know this until the decision to open the provision is taken. It will be the HT of Law PS who would plan all of this with the staff in the provision.

11. What work will take place?

The provision would use existing classrooms and spaces. There would be no new classes built. The work needed would be internal fittings and decorating e.g. new toilets, new furniture, swipe access between the provision and mainstream school, new enclosed playground, some breakout spaces etc.

Additional comments made by pupils:

Pupils commented that they liked this proposal. It is a good idea as it would mean pupils would get the extra help they need.

It would make school a better place and more enjoyable for more pupils.

Pupils knew of friends and siblings who are already at a provision and that is good for them.

Pupils commented that a provision at Law PS might mean that some of their friends and siblings could go to the provision at Law and might not need to go to provision at different school further away.

Conclusion:

LA thanked all the pupils for their views and contributions. LA reminded everyone that the public survey is open for anyone to complete. Teachers and/or parents will be able to help them complete the survey.

Appendix 3 – Survey Results

Table 1 - Stakeholders	Responses	% of total
Member of staff at Law Primary School	8	7%
Not Answered	3	3%
Other	20	17%
Parent / Carer of future Law Primary School pupil(s)	1	1%
Parent / Carer of Law Primary School pupil(s)	59	50%
Parent / Carer of pupil(s) attending another school	27	23%
Grand Total	118	

Table 2 – Living in catchment	
Aberlady Primary School	3%
Athelstaneford Primary School	3%
Dirleton Primary School	2%
Gullane Primary School	3%
Law Primary School	53%
Other	37%

Table 3 - Child stage of Education (note: selection of more than 1 category was possible)	
Not yet in Education	0
Pre-School Education (age 3-5)	10
P1 - P3	40
P4 - P7	46
S1 - S6	11
No longer in school Education	0

Table 4 - Question: To what extent do you agree or disagree with the proposal to establish a new specialist ASN provision at Law Primary School				
Stakeholder	Agree	Strongly agree	No opinion	Strongly disagree
Member of staff at Law Primary School	4	4		
Not Answered	1	2		
Other	4	16		
Parent / Carer of future Law Primary School pupil(s)		1		
Parent / Carer of Law Primary School pupil(s)	19	32	4	4
Parent / Carer of pupil(s) attending another school	3	24		

Appendix 4 – Respondent Comments

Answered yes to "Are you happy for your response to be publicly available at the end of this consultation?"
To what extent do you agree or disagree with the proposal to establish a new Specialist ASN Provision at Law Primary School? - Qualitative
In order to create a culture of attainment tailored individualised support is essential for SEN kids. Without the right kind of support the kids are being let down and left behind with potentially devastating long-term consequences.
All schools are in-need of these provisions so to have Law Primary granted them it will be a huge benefit to the school and all pupils and staff members so attend there.
Without this proposed Specialist ASN Provision at Law Primary School I do not think my child would be able to carry on attending as a pupil there past P3.
Law primary school, north Berwick and surrounding villages definitely need this. Too many children are being forced into classrooms that are too loud, too overwhelming and not meeting their needs. Teachers are overworked and stressed from the rising population and need much more support when having asn pupils in class.
I think at this stage it is absolutely necessary. The school has been very accommodating and understanding of my son [name redacted] who was diagnosed with ADHD after Primary 1 (he'd likely be diagnosed with AuDHD today), but I can only imagine the pressure faced by a teacher of having a child like [name redacted](or multiple children) in a class together and having to 'manage' their needs, let alone make sure they are doing their work and learning, not to mention all the other children in the class without additional needs whose abilities are varied and must be catered for. My biggest concern for [name redacted] right now is that he has the ability and intelligence to work to a high level, however behaviourally and emotionally he struggles, and as a result could fall behind in reaching his potential. The hyperactivity, impulsivity, distractedness, forgetfulness, very strong emotions, and increasing noise sensitivity, defiance, and difficulties with interpersonal relationships tend to mean he works better on his own at times rather than as part of a group. Between his dad and I it has become something of a recurring joke at each parent consultation when the feedback so often sounds like "[name redacted] is so able, if he could just slow down a bit." Unfortunately the only means of slowing [name redacted] down is through medication, which he takes to cope with the demands of the school day. He is a kind boy and well-liked, however it does feel as if he would truly thrive if he (and his condition) were better understood and supported, which is absolutely no reflection on his current teacher who seems to know him very well and appreciates what he finds challenging.
The initial email stated that 47% of young people now have 'additional needs' - surely once you get to half the population of children, there is nothing to be 'in addition' to - their needs at that point become 'normal'? It must be the case that either we are classing too many people as having 'additional needs' or the mainstream system is not suitable for half the population. Either situation is surely wrong?

Delighted that local children who need this provision will be able to go to the right school for them, in their own area.
Really needs to be such a school in Haddington for primary school. Considering it's the capital of East Lothian and the population of Haddington is growing
The consultation document provides no discussion or insight on the impact to non-ASN pupils. Everything is framed through the value of the proposal to ASN pupils. There is a statement that additional capital resources will be required to build/convert the space; and secondly ongoing funding will be needed to run the ASN part of the school. These are positioned as observations only, and there is no commitment by ELC that increased funding will be provided to Law Primary. Thus, it is not possible to understand what the impact will be on non-ASN pupils, therefore I need to disagree with it.
Law Primary is currently doing all it can for our autistic son. We have visited and applied for specialist schools in the region (visits to all three and an application to Dunbar) and following visits it was mutually agreed that those provisions were not suitable for him (he falls between their scope and a mainstream provision). Any increase of provision of the kind being considered here would be massively beneficial to our very bright but socially struggling boy and we would be massively helped by its roll-out at Law Primary.
This will be an excellent addition to the school and community.
The need for specialist provision is desperately needed across East Lothian to help support young people with ASN and their families.
I believe that the current ELC provision for young people with severe and complex needs is not meeting the demand of applications and that many children and young people are being failed by the restraints of the presumption of mainstream.
I think a key part of this needs to be how it works both ways - pupils needing the Specialist ASN Provision are able to access the mainstream options at Law which are suitable to them, but also Law pupils who attend the mainstream part of the school and have ASN are able to access the ASN support they need - something which there seems to be a real lack of at present. For example, those with dyslexia and ADHD need to be given enough support and the right support so they can engage with learning with their peers rather than seeking private education elsewhere.
+ support to help parents assess if child has ASN needs is also needed.
An ASN provision is critical for any school hoping to practice inclusivity and wishing to support the needs of children who may require it in order attend a mainstream school. And it certainly will be needed and well used in a Primary of 900 pupils. I hope this provision will be well resourced, funded and staffed with people who are highly trained and specialised in the area of additional needs. And those staff are well compensated and given more permanent contracts. I think it's also important to note that "severe" needs may not appear obvious initially and a child's needs fluctuate over time. I hope every child wishing to attend this provision will be evaluated with these points in mind.

It is evident from discussions with parents and staff that there is a need for this.
I think it is a much needed provision needed at Law. It needs to be well planned and staffed though. And from experience with my child previously at Law, before moving to Dunbar Cove, I have concerns over how they would achieve this.
I think separate provision is good as will benefit those with ASN who need more specialist help, often the range of children in a class is far to wide for teachers to be able to teach all effectively. Also could benefit the mainstream provision as hopefully classes will be more equitable. Concern regarding reducing the mainstream classes numbers and if this would increase composite classes. I don't think that would be beneficial. Also would be interested to see proposed floor plans for changes.
For years and years people have fought to have everyone treated as equal and integrated into normal society. I understand these facilities are perhaps needed but don't know enough about the needs. This may segregate children again.
This plan seems the best for the needs of the young people throughout East Lothian.
There is no or very little teacher support in the classroom and none of the children are flourishing in the environment due to the differing needs of the children in the class. Have additional provision for children with greater needs will alleviate pressure on teachers and within the class as a whole. A specialist provision is needed and in turn will help all the children as the current set up is failing them all.
My sons class is experiencing ongoing disruption from a number of pupils and I feel the lack of support for the teacher is not acceptable. I would like to see a safe and stable learning environment for my child and others like him. The pressure on teaching staff must be unbelievable in these situations.
ASN provision in the area is at capacity and there is an urgent need for more provision. In the interim, schools are struggling to support pupils with complex ASN.
I agree on the hope that it is staffed appropriately to ensure that this is a success for the school, parents and pupils.
What consultation has taken place with the children who require this provision? Surely their views are the most relevant.
We attended the consultation session at NBHS, and this idea came to us after the fact. On the assumption that the proposal gets the go ahead, we understand a timing of school year 27/28. Can consideration be given to advanced recruitment of some of the staff, with the aim of them operating within Law PS in year 26/27? Understandable that the construction and remodelling work takes time, but can there be thought given to how to accelerate the staff onboarding, and have them operating within the current school. There is definitive need for this, to support both ASN and non-ASN pupils.
Unfair on Law Primary pupils to have to learn next to other kids from outside their town with ASN. Will be hugely disruptive to their learning and instead of all Primary

Schools taking their share of kids they are all being dumped unfairly on the kids of North Berwick.
Agree if facilities and staffing are suitable/ qualified to fulfil requirements.
Children of all capabilities and needs should be educated in own neighbourhood. Facilities and staffing should meet highest standards, be monitored regularly. Inclusion should not impact negatively upon current pupils and staff. Adequate funding is essential.
I require more information about the extent to which children who will attend the new provision will be fully included into the school and wider community
STAND supports the intention to increase specialist ASN provision within East Lothian. We recognise that demand has significantly increased and that additional capacity is needed to better support children and young people with complex needs. However, our support is conditional on how this provision will operate in practice, particularly in relation to access. Based on our engagement with families across East Lothian, there is a clear and foreseeable scenario under the current policy framework where a child may be allocated a specialist placement by the local authority, but not be provided with home to school transport. In these circumstances, where a parent does not drive, where public transport is not viable due to a child's additional support needs, or where families are managing multiple children attending different schools, the absence of transport creates a significant and, in some cases, insurmountable barrier to attendance. This creates a fundamental inconsistency: the local authority determines that a specialist provision is required to meet a child's needs, yet the child may be unable to access that provision in practice. We are also concerned that two children with the same needs, attending the same specialist provision, can be treated differently in relation to transport depending on how the placement was secured. Where a placement is made through the local authority process, transport may be provided, but where a parent has had to use a placing request to secure that same provision, transport is not provided — despite the placement being considered appropriate by the same Education Resource Group (ERG) panel. This results in unequal access to education and places an unreasonable burden on families, particularly those who do not drive. Without addressing this issue, there is a significant risk that the expansion of specialist provision will not achieve its intended outcomes, as increased capacity does not equate to increased access. STAND would therefore strongly recommend that alongside the development of this

provision, East Lothian Council reviews:

how home to school transport is applied in practice for specialist provision

how equitable access to placements is ensured

how policies align with the reality of families' circumstances

Without this, there is a risk that new provision will replicate existing barriers rather than remove them.

I agree with this proposal.

As a parent, I can see how much need there is for more specialist provision in East Lothian. Too many children are struggling in environments that don't meet their needs, and families are often left fighting for the right support.

I know families whose children are unable to attend school consistently because the right support simply isn't available. That has a huge impact not just on education, but on wellbeing and family life.

Increasing provision at primary level is an important step in making sure children get the support they need earlier, rather than reaching crisis point.

Out of School East Lothian is a parent led peer support network for parents and carers who have children struggling to access or engage within a school environment. We currently have 31 members within a closed WhatsApp group and 86 members within a closed Facebook group, to date over 50 parents and carers have attended our in person peer support group which meets monthly. For some of these families new additional support needs provisions within East Lothian will help to meet the need they are experiencing. In a report by the Parent Carer Assembly (Additional Support for Learning Survey - Report Findings May 2025) there was a high proportion (95%) of parents stating that they would find additional provisions helpful when their children struggle in a mainstream setting.

Whilst we are happy to advocate for the new primary and secondary bases in Musselburgh and North Berwick we would also like to highlight that these bases will not meet the needs of all children currently struggling within mainstream settings. Under the UNCRC, Articles 28 and 29 focus on a child's right to an education including the quality and content of the education. Similarly the Additional Support for Learning Act states that support should be provided to children who have additional support needs so that they can 'benefit fully' from their education. The Equality Act 2010 says that nobody should be put at a disadvantage or discriminated against because of their disability or any other protected characteristic. Sadly, Out of School East Lothian regularly speaks to parents and carers within East Lothian whose children are not receiving adequate and/or proportionate education or alternative provision and it is also common for families to experience delays in being offered such support or in the worst cases being denied support. Specialist ASN provisions are only one type of alternative provision, it would be great to have more options available.

We are aware that the Education Outreach Service has been put in place to address some of these gaps in provision. We know that for many children there are delays in accessing this service and once accessed the support can be limited, to as little as one period per week, and short term, ending after as little as 8 weeks, with some extensions possible. We know that many children are not meeting their full potential and the Education Outreach Service is only the smallest of sticking plasters. In addition there are some children who are unable to access this support as the breakdown in trust within the education service has deteriorated to such an extent that some children cannot engage with any school/education based supports offered.

We would welcome being included in any further consultation about support for families like ours and strongly advocate for a variety of alternative provisions, not just the ASN provisions being consulted on here. The 2025 Parent Carer Assembly report also showed high levels of support for provisions such as forest schools, therapy based settings, project based learning, inclusive classrooms with specialised staff and lower numbers of pupils as well as increased staff training. We fully acknowledge that there is unlikely to be a one-size-fits-all solution, but further consultation with families like the ones accessing support through Out of School East Lothian would help shed some light on what might work for their families outside of specialist ASN provisions.

Please consider my following opinions for the Law Additional Support Needs (ASN) Consultation.

I would like to stress that I am not in principle against the proposed ASN Unit at Law Primary school, but have found the consultation process frustrating, as I have not been able to get additional information from East Lothian Council, despite me making several requests at meetings and through e-mails. I have not found East Lothian council's responses to my requests reassuring as I am wanting to understand the risks and opportunities the council identified for the proposal and how they proposed to mitigate these risks and develop opportunities. This would have greatly helped me to make comments on the ASN proposal from a much better informed point of view and fostered a process where East Lothian council and parents could learn from each other in how to successfully meet the needs of all children.

I have found it difficult to understand the council not wishing to provide me with information, as through reading the Schools (Consultation) (Scotland) Act 2010 guidance, I understand that authorities should take the following approaches during consultations:

- Reassure stakeholders that the consultation and discussion making process and procedures are fairly, fully and rigorously carried out by the local authority.
- Work with parents from the outset of the proposal and answer any of their concerns and provide the information they seek.
- For authorities as a matter of good practice and courtesy attempt to answer all relevant questions and requests for additional information timeously and as far as possible before the end of the consultation period.

I understand that the Scottish government recommend that any proposal is likely to involve both pros and cons and that the Educational Benefit Statement (EBS) is the place for the authority to explore that balance. In the council's Proposal document to 'establish a new Additional Support Needs (ASN) provision at Law Primary School'. I consider that there is not a rigorous explanation of the pros and cons of this proposal, but rather a great emphasis on the pros. Also, despite my questions in meetings and by e-mail, East Lothian staff have not said how the risks and opportunities resulting from the proposal have been identified.

Areas of the proposal where I am not clear on what is being proposed: The School Consultation Act (2010). Point 35, states that any proposal is likely to involve both pros and cons. That the Educational Benefit Statement (EBS) is the place for the authority to explore that balance: The Law ASN Unit consultation ESB appears to concentrate on discussing the positive aspects of the proposal. With this in mind I am unsure of how the following aspects will be managed:

For the reasons I have explained above I do not have a clear understanding the reasons of how and why items of the proposal have been formulated. This includes:

- In considering the proposal that the Head Teacher's time being split between Mainstream and ASN unit areas of the school. East Lothian council staff at the consultation meeting said that a Deputy Head teacher will be dedicated to the ASN unit in a non-teaching role and will do majority of the Senior management role in the ASN unit.

I am concerned however that this the Head Teacher's time for their leadership role in the mainstream unit will be reduce, as having an ASN unit of the proposed size is

considerable change in the role of the school and may take significant Head Teacher time to manage issues that arise. I am not clear how East Lothian council has calculated that there will be enough cover from the current number of Mainstream Deputy Head teachers to cover the reduction in leadership by the Head Teacher's time being split. I am particularly interested to understand this, as I am concerned that there will be a reduction in leadership in the mainstream unit and I know of other Special schools with approximately 30 to 40 children with complex ASN who have dedicated Head Teacher and Deputy Head Teacher so the complexities of the children's needs can be met.

- East Lothian council Education staff said integration of children with ASN into Mainstream lessons will be done on an individual basis for the child with ASN. However, as children with ASN often having complex needs to be considered, I would have liked to know. will mainstream teachers be provided with additional preparation time to ensure that where children from the ASN are integrated into Mainstream lessons, that these lessons continue to be motivating and provide the right level of educational challenge for all children (including Mainstream educated children).

- With ASN's children often being sensitive to the environmental aspects of schools, for example levels of noise, and/or movement from many people. As Mainstream children also require an educational environment to meet their learning needs. I would have liked to have found out from East Lothian Council's experience of running similar educational environments, what are the procedures to ensure the balance in learning environments, where there are diverse needs of mainstream and pupils with ASN?

Current provision is failing so many children, parents and staff.
Current inclusive strategy is not suitable for a large proportion of children and results in inadequate support for many.

My concern is safety when it comes to bringing in children with complex and enduring conditions that may result in injury to another pupil.

I also have concerns about transporting children from outside the area who may not have links with the community. The increase in traffic is also a road safety concern at busy times when there are a lot of children crossing roads.

I understand that the children will be separated, and there will be procedures to ensure children who may harm others are not able to, however what happens if these procedures fail and there is an injury to a pupil?

It would enable children not to travel further than necessary to remain in their catchment area or closer too. Spread resources and upskill more staff which benefits all children.

School places for ASN pupil is sorely needed. These children desperately need more facilities to meet their needs as is their right to an education. It's too overwhelming for a lot of ASN children to be in mainstream and mainstream classes aswell deserve to

be able to learn in a manner that suits them. More SEN placements are desperately needed in schools as diagnosis is happening more and more for children

There's a huge demand for ASN provision. School trauma can be huge if the environment isn't right. Parents are scared their children will become school refusers due to lack of support at school. Children have a right to education and the right support. They deserve to thrive.

Too many children attend schools that are not suited to their complex needs. An increasing number of these children are struggling to attend school or access their right to an education due to additional support needs that cannot be met in their current school environment.

There also is a gap in available provision for children who fail to thrive in a mainstream environment (including those with anxiety or EBSA) but currently do not meet the criteria for a place in a complex needs provision.

Currently there are not enough specialist provision places for children with the most complex needs. And children who do get a space, often have to travel several miles to get to school.

Parking needs to be considered. Currently there are not enough disabled spaces

On behalf of Dunbar ASN Community Collective,

We welcome and support the proposal to establish a new Specialist ASN Provision at Law Primary School. We recognise this as a positive and much-needed step towards improving support for children and young people with Additional Support Needs (ASN) within our community.

Positive aspects

We particularly welcome:

- The commitment to enhancing local ASN provision, enabling more children to be educated within their community.
- The potential to reduce travel distances and disruption for pupils and their families.
- The recognition that existing ASN capacity requires investment and expansion.

These developments align with the longstanding priorities of families and carers in our area, and we are encouraged to see this need being addressed.

Ensuring successful implementation

While we are supportive of the proposal, we believe its success will depend on careful implementation. In particular, we would emphasise the importance of:

1. Sufficient resourcing and staffing

The provision must be supported by:

- Adequate staffing levels
- Access to appropriately trained and experienced practitioners
- Ongoing professional development and support

2. Clarity of provision and pathways

Families would benefit from clear information on:

- The intended cohort of pupils
- Placement processes
- How the specialist provision will integrate with mainstream learning where appropriate

3. Positive impact on the wider school community

It is important that the development:

- Enhances outcomes for ASN pupils
- Maintains a high-quality learning environment for all children
- Is supported by suitable space and infrastructure

4. Continued engagement with families

Ongoing, meaningful engagement with parents and carers will be essential to ensure the provision evolves in line with children's needs.

Conclusion

In summary, we strongly support the intention and direction of this proposal and believe it represents a constructive step forward for ASN provision in Dunbar. With the right level of resourcing, clarity, and continued collaboration with families, this has the potential to deliver real and lasting benefits for children and the wider community. We look forward to continued dialogue as the proposal develops.

Appendix 5 – Report from His Majesty’s Inspectorate of Education in Scotland



Supporting Good Decisions

**Promoting Equality and Human Rights;
Reducing Poverty; and
Protecting the Environment**

Integrated Impact Assessment Form

Integrated Impact Assessment Form

Promoting Equality and Human Rights; Reducing Poverty; and Protecting the Environment

Title of Policy/ Proposal	Proposal to establish a new Additional Support Needs (ASN) Specialist Provision at Law Primary School
Timescale for Implementation	August 2027
IIA Completion Date	09 July 2026
Completed by	Kirsten Robinson
Lead officer	Jennifer Boyle

Section 1: Screening

1.1 Briefly describe the policy/proposal/activity you are assessing.

This assessment is on the proposal to form a new ASN Specialist Provision at Law Primary School.

The proposed provision is required due to rising numbers of children and young people with severe, complex and enduring ASN in our schools. The existing specialist provision estate is now at capacity and not well distributed across the county.

Law Primary was identified because of a reducing roll providing sufficient capacity to accommodate the provision. The provision can be located on the ground floor, in an accessible location with access to the outside and in a locality without any specialist primary provision currently. In line with best value, the work will involve alterations to the existing building, utilising existing capacity rather than new build or extension.

1.2 What will change as a result of this proposal?

An increase in capacity for targeted ASN support for children and young people with severe, complex and enduring needs. This will enable East Lothian Council to fulfil its statutory duties to meet the individual educational needs of more children and young people who need specialist support in order to reach their full potential.

1.3 Deciding if a full Impact Assessment is needed.

Please answer the following questions:

	Yes	No
1. The policy/ proposal has consequences for or affects people e.g. how they can access a service?	X	
2. The policy/proposal has potential to make a significant impact on equality and human rights, socio-economic disadvantage, the council's role as a corporate parent, children's rights, or the council's commitment to tackling climate change?	X	
3. The policy/proposal is likely to have a significant environmental impact as defined by the Environmental Impact Assessment (Scotland) Act 2005?		X
4. The policy/ proposal involves a data processing activity (storage / collection of personal data) that is likely to result in a high risk to individuals as determined by Article 35 of the General Data Protection Regulation?		X

- If you have answered yes to questions 1 and 2 above, please proceed to complete the Integrated Impact Assessment. If you have answered No then an IIA does not need to be completed. Please keep a copy of the screening paperwork.
 - If you have answered yes to question 3, you will need to consider whether you need to complete a Strategic Environmental Assessment.
 - If you have answered yes to question 4, you will need to consider whether you need to complete a Data Protection Impact Assessment. Please seek further advice from the Team Manager Information Governance.
-

Section 2: Integrated Impact Assessment

2.1 Have those who are directly affected by the policy had the opportunity to comment on new proposals?

A statutory consultation on this proposal, following the requirements outlined in the Schools (Consultation) (Scotland) Act 2010, has been carried out. The affected consultees have been identified as follows:

- The pupils attending Law Primary School
- The parents / carers of pupil attending Law Primary School
- The parents / carers of pupils expected to attend Law Primary School
- The parent council of Law Primary School
- The staff based at Law Primary School and their trade union representatives.

The proposal (including the educational benefits), summary leaflet of the proposal and frequently asked questions were made publicly available on the East Lothian Consultation hub website, where an online survey was available for the public to share their views. Paper copies of the proposal and questionnaire were made available from the school and local library. The above consultees were notified of the consultation by email following the Council approval to consult on 17 February 2026 and again when the consultation went live on 03 March 2026. A press release and social media posts were also released. Posters advertising the consultation were displayed in public buildings across the county. Draft sketch plans of the proposed provision were displayed to view in the reception foyer of the school.

A public meeting was held on Tuesday 24 March 2026 from 6pm-8pm at North Berwick High School.

A pupil focus group was held at the school on Friday 20 March 2026.

Senior officers attended the Parent Council meeting on Monday 23 March 2026.

Bookable online drop-in sessions were held on 30th, 31st March and 1st April 2026 at various times of the day.

2.2 What information/data have you used to inform the development of the policy to date?

- Mainstream School and Specialist Provision Roll Projections.
- School capacity data and architectural drawings of the building.
- Current specialist provision capacity.
- National statistics on prevalence of pupils with additional support needs (ASN) published by the Scottish Government.

- East Lothian specific trends on the prevalence of pupils with additional support needs (ASN).
- Population estimates published by the National Records of Scotland (NRS).
- Number of new referrals to Education Resource Group (ERG) for placement of pupils in Specialist Provision from 2020-2025.
- Initial scoping visit and feasibility discussions with Council designers who produced an initial draft sketch plan of the proposed provision.
- Principles outlined in UN Convention on the Rights of the Child.
- Principles outlined in Getting it Right for Every Child (GIRFEC).
- Educational Benefits were also assessed and a statement written and included in the proposal.

2.3 What does the evidence/ research suggest about the policy's actual or likely impact on equality groups and those vulnerable/ or experiencing socio-economic disadvantage?

Evidence	Comment
Which groups are in particular need of this service?	Children and Young People with severe, complex and enduring additional support needs.
What level of service uptake/ access is there from protected and vulnerable groups?	This service purpose is the inclusion and equity of access to education for children and young people who need specialist educational support in order to reach their full potential. Therefore, all users of this service will be from a protected and vulnerable group.
Can you identify positive outcomes for service users	Yes. For many of these children and young people, a mainstream education is not accessible. Therefore, access to this service will greatly improve their ability to thrive and fulfil their full potential in relation to their achievement, attainment and health and wellbeing.
What is the service user experience of those from protected or vulnerable groups?	A high level of support staff in addition to teaching staff are available in a specialist provision. Class numbers are small. Teaching and learning is individualised and planned specifically to the unique needs of each child. Staff are highly trained and experienced. The environment is designed to be inclusive and accessible with wellbeing facilities to

	support the wellbeing needs of the children and young people using the service.
What opportunity have those from protected groups had to co-produce or comment on the service/ plans?	The survey, public meetings and drop-in sessions were open to and attended by parents of children from across the county with additional support needs. Children were invited to complete the survey with support from parents, if needed. The school promoted the consultation through assemblies and posters, and young person information leaflets were made available on the consultation hub and through the school. Two focus groups for children were also held in the school. These were split by stage to ensure age-appropriate content. They provided children with the opportunity to learn more about the proposed provision and ask any questions.

2.4 How does the policy meet the different needs of groups in the community? Please note that where children will be affected by the policy or activity a Children's Rights and Wellbeing Impact assessment must additionally be completed. [Children's Rights and Well-being Impact Assessment - completion guidance and template | East Lothian Intranet](#)

Equality Groups	Comments
Older people, people in the middle years	Unlikely to be impacted
Children and young people children	Ensuring children and young people's right to an education by providing bespoke specialist provision that supports children and young people with severe, complex and enduring needs to access education successfully.
Women, men and transgender people (includes issues relating to pregnancy and maternity)	It may be considered a positive impact for women, since women are often the main carers for children, the proposed provision provides the potential for more support. Parents with children in the mainstream of the school may perceive a negative impact on their child as it could restrict access to spaces in the school their children currently access.

Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems)	Positive impact by providing education through bespoke specialist provision that is flexible, carefully planned and adapted to support children and young people with severe, complex and enduring needs to access education successfully.
Minority ethnic people (includes Gypsy/Travellers, migrant workers)	Ensuring minority ethnic children and young people's right to an education by providing bespoke specialist provision that supports all children and young people with severe, complex and enduring needs to access education successfully
Refugees and asylum seekers	Ensuring refugee children and young people's right to an education by providing bespoke specialist provision that supports all children and young people with severe, complex and enduring needs to access education successfully
People with different religions or beliefs (includes people with no religion or belief)	Faith or cultural considerations may affect use of sensory spaces, communication approaches or family engagement
Lesbian, gay, bisexual and heterosexual people	Unlikely to be impacted
People who are unmarried, married or in a civil partnership	Unlikely to be impacted
Those vulnerable to falling into poverty • Unemployed • People on benefits • Lone Parents • Care experienced children and young people • Carers (including young carers) • Homeless people • Those involved in the community justice system • People with low literacy/numeracy • Families with 3 or more children • Those with a child/ children under 1	Supports parents who may find it difficult to work because of caring responsibilities. Attending a specialist provision can provide parents with respite that can have positive impacts on their wellbeing and mental health and could enable them to work. Provision also provides the children and young people who attend the best start in life, giving them access to education which otherwise would be difficult to provide in a mainstream setting.

Geographical communities • Rural/ semi rural communities • Urban Communities • Coastal communities • Those living in the most deprived communities (bottom 20% SIMD areas)	Current provision is in limited areas of the county, increasing provision into a new area will better support families, by creating more provision spaces closer to their home. Parking for staff and parents is limited in the school carpark, however other parking is available at the nearby sports centre. As the proposed provision will increase the numbers of parents and staff attending the school each day there could be an increase in cars parking in streets near the school. There could also be an increase in traffic near the school at morning drop off and home time.
People with communication needs: • Gaelic Language Speakers {refer if necessary to the Council's Gaelic Language Plan} • British Sign Language (BSL) users {refer if necessary to the Council's BSL Plan} • English as a Second Language • Other e.g. Deafblind, Plain English, Large Print	By providing education, often through a total communication approach, which is bespoke, flexible and carefully planned and adapted to support children and young people with severe, complex and enduring needs to access education successfully.

2.5 Are there any other factors which will affect the way this policy impacts on the community or staff groups?

Internal alterations to create the provision will take into account increased staff numbers and the need for staff accommodation in the building, however there will be limited scope to increase onsite parking and so staff may need to park and stride to school, travel by more active means or utilise public transport. The school is within walking distance to North Berwick train station and on the 124 and 121 bus routes. Consequently, this has potential to encourage increased levels of active travel which has a positive environmental impact.

Staff will benefit from the skills of new specialist staff working in the provision with opportunities for continued professional development and sharing of ideas.

2.6 Is any part of this policy/ service to be carried out wholly or partly by contractors? If yes, how have you included equality and human rights considerations into the contract?

Construction work required to establish the provision will be tendered and contracted following the Council's procurement process and procedures. The service will be delivered by East Lothian Council employees.

2.7 Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

We have widely advertised through the statutory consultation that documentation is available in other formats and languages with telephone, email and address contact information to request this. The contact centre was also briefed to expect enquiries and where to direct them to.

2.8 Summary of Potential Impacts and Mitigations

Potential impact	Mitigation
Reduced mainstream space	The school was selected due to surplus capacity available so the impact should be minimal. Certain spaces, specifically the sensory room, would be incorporated into the provision, but access to this will be planned and managed for mainstream pupils that would benefit from access to it.
Increased traffic	In collaboration with transport colleagues, the drop off for provision will be carefully planned and monitored. The provision would be accessed from a door near the turning circle at the back of the building (away from the car park and main entrance to the school). Start and finish times of provision are flexible and can and will be adjusted if necessary to less busy times to support the smooth transition from transport to school for provision pupils.
Parking issues	There is no scope within the site to increase parking provision. Active travel of staff and pupils is and will continue to be promoted through the school's active travel planning. Initiatives such as Living Streets Walk to School Week will also be promoted with support from colleagues in transport services.
Construction disruption	Works programme will be carefully planned and phased with as much work carried out during holiday periods as possible. The work area will be safely partitioned off with access strictly controlled.
Community concerns	Officers will continue to work with the Head Teacher and wider school community throughout the design and build process should the proposal be approved
Sharing spaces with mainstream	Provision pupil's access to shared spaces will be carefully planned and managed by the dedicated depute head teacher and only where appropriate for the individual pupil. Pupils will be closely supervised by high ratio of support staff when accessing shared spaces. Some provision pupils may use the dining hall, but this can be a staggered sitting with mainstream if needed.

2.9 Please consider how your policy will impact on each of the following?

Equality and Human rights

- Promotes / advances equality of opportunity e.g. improves access to and quality of services
- Promotes good relations within and between people with protected characteristics and tackles harassment
- Promotes participation, is inclusive and gives people control over decisions which affect them
- Preserves dignity and self-respect of individuals (does not lead to degrading treatment or stigma)
- Builds support networks, resilience, community capacity

Comments: Inclusion is at the heart of the service, providing opportunity of access to education for children and young people with severe, complex and enduring needs. Increase in capacity for provision spaces and creating provision in an area which doesn't currently have any, will improve access to the service. Our policy, to open provision within a mainstream school, further promotes equality and inclusion by enabling access to mainstream and wider school events and opportunities to form relationships with mainstream peers.

Socio-Economic Disadvantage / reducing poverty

- Maximises income and/or reduces income inequality
- Helps young people into positive destinations
- Aids those returning to and those progressing within the labour market
- Improves employability skills, including literacy and numeracy
- Reduces the costs of taking part in activities and opportunities
- Reduces the cost of living

Comments: Provides the children and young people who attend the best start in life, giving them access to education which otherwise would be difficult in a mainstream setting.

Tackling Climate Change

- Reduces the need to travel or increases access to sustainable forms of transport
- Minimises waste / encourages resource efficiency / contributes to the circular economy
- Ensures goods / services are from ethical, responsible and sustainable sources
- Improves energy efficiency / uses low carbon energy sources
- Protects and/or enhances natural environments / habitats / biodiversity

• Promotes the transition to a low carbon economy • Prepares and/or adapts communities for climate change impacts
Comments: By opening provision in an area which has none, it can reduce the need for travel to where provision is currently located. Currently a pupil living in North Berwick would need to travel to Tranent or Dunbar. Alterations are being made to an existing building, utilising capacity that would otherwise be under used. As parking is limited in the school car park, active travel will be promoted via 'park and stride' to school. The use of public transport will also be promoted as the school is within walking distance to North Berwick train station and on the 124 and 121 bus routes.
Corporate Parenting and Care Experienced Young People • Impacts on care experienced young people • Provides opportunities or reduces opportunities to participate in activities which are designed to promote the wellbeing of young people • Adversely affects the wellbeing of young people • Adversely impacts on outcomes for care experienced young people
Comments: No adverse effects for care experienced young people. Children and young people with care experience who also have complex, enduring and significant need would be able to access the provision. However, given the strong link between ASN and care experience, care-experience children and young people in particular may benefit from greater local provision, improved stability, reduced need for travel to distant placements and strengthened relationships and sense of belonging to East Lothian.

Section 3. Action Plan

What, if any changes will be made to the proposal/ policy as a result of the assessment?

Changes to be made	Expected outcome of the change	Resources Required	Timeline	Responsible person
Identify key success indicators that can be tracked to determine the effectiveness of the changes made. These will include placement	Ability to demonstrate the impact the proposed changes have had and key learning to take forward to future proposal development	To be included in consultation report	August 2026	Team Manager – Learning Estate

requests met, reduction of out of authority placements, reduction of ASN tribunals, attainment and wellbeing tracking, parent feedback.				

For consideration of the Head of Service

Can you identify any cumulative impacts on equality groups or vulnerable people arising from this policy, when considered alongside other changes across other services? - No

Sign off by Head of Service

Name: Nicola McDowell, Head of Education

Date: 10/07/2026

Children's Rights and Well-being Impact Assessment

Children's Rights: an introduction

Human Rights provide fundamental protections for everyone, with children and young people specifically protected through the United Nations Convention on the Rights of the Child (UNCRC). These rights cover civil and political rights, and economic, social and cultural rights.

The UNCRC Articles are underpinned by four general principles:

non-discrimination of children and young people;

the best interests of the child as a primary consideration in decisions;

the right to life, survival and development; and

the child's right to have their views given due weight.

All children's rights and protocols can be viewed on the Children and Young People's Commissioner Scotland website: [UNCRC | The UN Convention on the Rights of the Child - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](https://www.cypcs.org.uk/uncrc)

UNCRC Scotland animation: I am me Scotland [Bing Videos](#)

The following is a simplified version of those rights.

Article 1: Everyone under 18 has rights			
Article 2: All children have these rights no matter what their differences			
Article 3 – the best interests of the child shall be a primary consideration	Article 4 - measures to implement UNCRC rights	Article 5 – the responsibilities, rights and duties of parents or where applicable others, shall be respected in a manner consistent with the evolving capacities of the child, with the appropriate direction and guidance by the child	
Article 7 – to a name, nationality, and as far as possible to know and be cared for by their parents	Article 8 – to preserve their identity	Article 9 – not to be separated from their parents against their will, except when competent authorities	Article 10 – immigration decisions about family reunification to be dealt with in a

		subject to judicial review determine, in accordance with the law and procedures, that separation is necessary for the best interests of the child	positive, humane and expeditious manner
Article 11 – combat the illicit transfer and non-return of children abroad	Article 12 – the child who is capable of forming their own views shall have the right to express those views freely in all matters affecting the child	Article 13 – freedom of expression	Article 14 – freedom of thought, conscience, and religion
Article 15 – freedom of association and freedom of peaceful assembly	Article 16 – no child shall be subject to arbitrary or unlawful interference with his or her privacy, family, home or correspondence	Article 17 – access to mass media information from a diverse range of sources	Article 18 – both parents have common responsibilities for the upbringing and development of the child
Article 19 – protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation	Article 20 – a child temporarily or permanently deprived of their family environment, or because it is in their own best interests not to be allowed to remain in that environment, shall be entitled to special protection and assistance	Article 21 – system of adoption ensures best interests of child is paramount	Article 22 – take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights
Article 23 – a mentally or physically disabled child should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child's active participation in the community	Article 24 – enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. To strive to ensure that no child is deprived of their right to access such health care services	Article 25 – a child placed by competent authorities for the purposes of care, protection or treatment of their physical or mental health has right to a periodic review of treatment	Article 26 – to social security
Article 27 – to standard of living adequate for their development	Article 28 – right to education	Article 29 – direction of education	Article 30 – a child belonging to an ethnic, religious or linguistic minority

			group will not be denied the right... to enjoy their own culture, to profess or practice their own religion or to use their own language
Article 31 – to rest and leisure, to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts	Article 32 – protection from economic exploitation	Article 33 – protection from illicit use of narcotic drugs and psychotropic substances	Article 34 – protection from all forms of sexual exploitation and sexual abuse
Article 35 – prevention of addiction, sale or trafficking	Article 36 – protection against all forms of exploitation prejudicial to any aspect of their welfare	Article 37 – no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No child shall be deprived of their liberty unlawfully or arbitrarily	Article 38 – respect for rules of international humanitarian law in armed conflict
Article 39 – to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts.			

What is a children's human rights approach?

A children's human rights based approach which is about placing the UNCRC at the core of planning and service delivery and integrating children's human rights into every aspect of decision-making, policy and practice. For example, the Welsh model is made up of five principles:

Embedding: Putting children's human rights at the core of planning and the delivery of services that affect children and young people

Equality and non-discrimination: Ensuring that every child or young person has an equal opportunity to make the most of their lives and talents

Empowerment: Giving children the knowledge and confidence to use their rights and hold organisations and individuals that affect their lives to account

Participation: Listening to children and taking their views seriously

Accountability: Organisations and individuals should be accountable to children for the decisions and actions which affect their lives

Screening template

Please complete all sections.

Screening template

Please complete all sections.

0.	Insert policy/measure name. Proposal to establish a new additional support needs (ASN) specialist provision at Law Primary School
1.	Brief Summary to include the policy name and overall aims. Establishment of a new specialist ASN provision is required due to rising numbers of children and young people with ASN in our schools. Existing specialist provision is now at capacity and not well distributed across the county. Law Primary was identified because of a reducing roll and sufficient capacity to accommodate the provision in a suitable ground floor, accessible location with access to the outside and located in an area without any specialist primary provision currently. In line with best value, the work will involve alterations to the existing building, utilising existing capacity rather than new build or extension.
2.	What aspects of the policy/measure will affect children and young people Remember, the UNCRC articles include non-citizen and undocumented children and young people. The proposal will increase the number of specialist ASN provision spaces available meaning that we can provide a suitable educational service for more children with severe, complex and enduring need who require it.
3.	What likely impact will the policy/measure have on children and young people? Please consider both direct and indirect impacts. ‘Direct’ impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g., in early years, education, child protection or looked after children (children in care). ‘Indirect’ impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include welfare reforms, parental leave, housing supply, or local transport schemes. Impact can be positive or negative, specific or disproportionate. The proposal will have a direct and positive impact for children with severe, complex and enduring needs by increasing the availability of spaces within the service, which is currently at capacity. Without the proposed increase in specialist provision, children will either need to leave the county to be educated outwith the local authority area or risk not having their needs fully met in a mainstream educational setting.

	There may be direct impacts on mainstream pupils that may have to contend with sharing spaces with new children and feeling unsettled by uncertainty about change. This will be mitigated by the head teacher and her staff, who have already kept the children informed and will continue to do so and support the children through the changes. There is potential for disruption while necessary construction work is going ahead, however as much work disruptive work as possible will be done during holiday periods and the work area will be separated off carefully. ASN provision pupils will be directly impacted by challenges of transition and integrating to a new school community.
4.	Which groups of children and young people will be impacted? This can refer to any grouping of children or young people by a shared characteristic – not just age or setting but the circumstances in which they are living. Primary aged children with severe, complex and enduring additional support needs. Children in the mainstream setting whose school will now also include a specialist provision.
5.	Is a Children's Rights and Wellbeing Impact Assessment required? Please state if a CRWIA will be carried out or not. Please explain your reasons. Yes – this proposal if taken forward has a direct impact on both children and young people with severe, complex and enduring additional support needs and children from mainstream. If this proposal was not taken forward and capacity of specialist provision was not increased, this would have a direct impact on children and young people with severe, complex and enduring additional support needs because there is limited capacity in the estate so will limit their access to ASN provision spaces.
6	If you are not proceeding to a full CRWIA, please sign off. Head of Service signature: Date of Sign off:

Children's Rights and Wellbeing Impact Assessment Template

If your screening exercise indicates a full CRIWA is required, please complete the following questions. Please use the [Scottish Government's CRWIA guidance](#) when completing this section. Please complete all sections.

0.	Insert policy/measure name Proposal to establish a new additional support needs (ASN) provision at Law Primary School
1.	Which articles of the UNCRC does this policy/measure impact on? Article 2 – All children have these rights no matter what their differences

	Article 3 – the best interests of the child shall be a primary consideration. Article 12 – respect for the views of the child Article 23 – a mentally or physically disabled child should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child's active participation in the community. Article 28 – right to education Article 29 – direction of education
2.	What impact will your policy/measure have on children's rights? The proposed new specialist provision will defend a child's right to education (Article 28) by ensuring they can access an education that is tailored to their needs in an environment which is adaptable for them (Article 23) and well supported by specialist staff, this will ensure that children are not discriminated because they are different (Article 2). The key aim of ASN provision is to support the development of the personalities and talents of these children to their full potential (Article 29) who would otherwise likely not thrive in a mainstream setting. The proposal will impact the children in the mainstream school. This is because the addition of a provision will provide the children with increased opportunities for inclusion (Article 2). It will also enhance the staffing expertise in the wider school through additional staffing with specific training and experience. There will be the opportunity for children, with additional support needs that are not severe and complex, that are educated in the mainstream setting, to have planned access to the provision, where appropriate (Article 3). Provision as part of a mainstream school promotes inclusion (Article 2), acceptance and provides opportunity for integration and relationships with mainstream peers. Both mainstream and provision pupils may be impacted by change and the challenge of transition and uncertainty. The staff will plan for and support all children through the changes, and children will be kept informed and listened to. Mainstream pupils may have to contend with sharing spaces with new children, however pupils who attended the pupil voice session said they will need some time to get used to it. Pupils also said they felt the proposal would make the school a more enjoyable place for more pupils (Article 12). Provision is underpinned by robust planning and imbeds the principles of Getting it Right for Every Child (GIRFEC) where the best interest of the child is central (Article 3). Having additional provision in East Lothian also supports the aspirations of The Promise and Belonging to East Lothian to ensure that needs are met locally, where possible. There is potential for disruption while necessary construction work is going ahead, however as much work disruptive work as possible will be done during holiday periods and the work area will be separated off carefully.
3.	Will there be different impacts on different groups of children and young people? Impact can be positive or negative. The wider school will benefit from the expertise of experienced staff with opportunities for professional development and sharing of ideas for the existing mainstream staff. Children in mainstream can also benefit from accessing the provision were appropriate and planned. Similarly, children in the provision, when planned and appropriate, can access mainstream opportunities.
4.	If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

	If the proposal is not approved, there will be negative impact because the current provision is at capacity and there is a significant risk that we may not be able to appropriately educate children who require a provision placement. The transition and period of change will impact both mainstream and provision pupils, officers will work closely with the school leadership to keep children informed on progress and timelines and the head teacher and team will support the children throughout the change period. Potential disruption during construction works will be mitigated through careful programme planning and scheduling of as much of the work as possible through the holiday periods
5.	How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland? New specialist provision capacity in an area which currently has none will improve opportunities for access to appropriate educational opportunities.
6.	How have you consulted with relevant stakeholders, including involving children and young people in the development of the policy/measure? A statutory consultation was opened on 03 March 2026 and closed on 05 May 2026. The proposal, summary leaflet and frequently asked questions were published, and the public were invited to submit a response to our survey online, by post or email. A young person summary leaflet was also shared with pupils to help them understand the content of the proposal A public meeting was held, officers attended the parent council meeting, draft plans were displayed in the school foyer and bookable 1:1 drop-in sessions were held online. Pupils were also invited to complete the online survey, and this was promoted by the school. Two pupil voice sessions were held in March as part of consultation. Pupils asked about how things will change, officers reassured children that once the provision was up and running, there would be not much that is different but some pupils from the provision may join in with wider school activities if they want to and the staff feel it is appropriate. Children demonstrated empathy and were curious about who the provision pupils would be, what their needs are and how P1-P7 could be accommodated in 4 classes. Children were mostly positive about the proposed ASN provision, and they understood that it would make school a better place for more pupils and some had friends they thought would really benefit from it. Officers will continue to work with the school leadership to ensure that children are kept informed throughout the process of construction and transition of the new pupils.
7.	What evidence have you used to inform your assessment? The proposal document (including educational benefits), statistics detailed in the proposal, East Lothian Council data detailed in the proposal, GIRFEC duties and ASL legislation and engagement to date with stakeholders.
8.	How will the impact of the policy/measure be monitored?

	Progress of children's attainment, wellbeing (SHANARRI indicators) and achievement and attendance measures are already monitored on a regular basis and will continue to be if proposals are taken forward. The impact will also be measured by referrals, placements and number of tribunals received. Further pupil voice feedback will be sought after the provision is open and opportunities for parent feedback will also be provided. A further review of rights outcomes will be undertaken post-implementation.
9.	How will you communicate to children and young people the impact of the policy/measure on their rights? This assessment will be detailed within our Consultation report of which we will provide a summary to be shared with the pupils of the school. A Child Friendly CRIWA will also be published.
10	Head of Service signature: Nicola McDowell Date of Sign off: 10.07.26