

COMMITTEE:	East Lothian Council
MEETING DATE:	17 February 2026
BY:	Depute Chief Executive – Children and Communities
REPORT TITLE:	Statutory Consultation on Increase to Additional Support Needs (ASN) Provision
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To seek approval to consult on the proposal to establish Specialist Additional Support Needs (ASN) provision at Law Primary School, Stoneyhill Primary School and Musselburgh Grammar School for August 2027.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note that formal statutory school consultations are required to establish new specialist ASN provisions, in line with the Schools (Consultation) (Scotland) Act 2010.
- 2.2 Approve that officers undertake statutory consultations on the proposals to establish ASN provisions at Law Primary School, Stoneyhill Primary School and Musselburgh Grammar School.
- 2.3 Note that the consultation period will start from 03 March 2026 and will continue for a period of 6 weeks, inclusive of 30 school days, concluding on 05 May 2026.

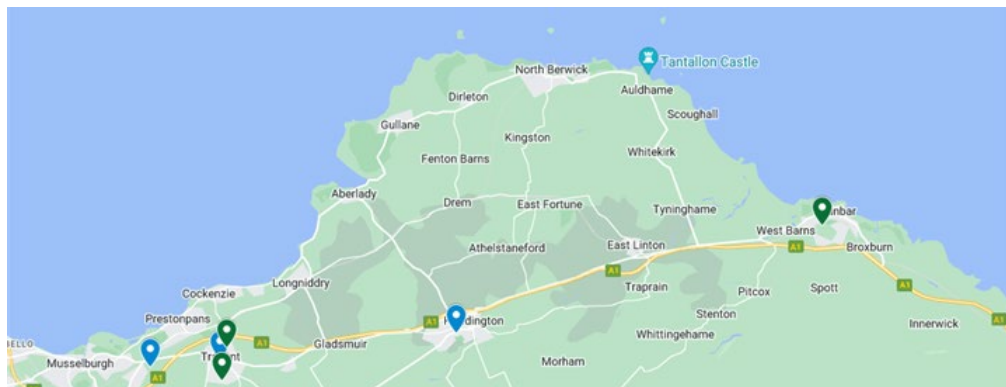
3 BACKGROUND

- 3.1 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.

- 3.2 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.
- 3.3 The number of children and young people with ASN is rising. Nationally 43% of children and young people have an ASN and this figure is 40.5% in East Lothian.
- 3.4 For children and young people with complex and enduring needs, which cannot be met within a mainstream school setting, East Lothian has six specialist ASN provisions. These are attached to mainstream schools. The geographical position of provisions is illustrated in the map below. Primary is shown in green and secondary in blue:
- 3.5 There has been a significant growth in demand for specialist ASN provision. Between 2020 and 2025 this demand has increased by 132%. By way of illustration:

Table 1: Referrals for ASN Specialist Provision



Year	Number of Referrals for Provision
2020-21	37
2021-22	63
2022-23	71
2023-24	82
2024-25	86

- 3.6 Being unable to provide a suitable specialist place for a child or young person is a significant risk to East Lothian. It was noted in the internal audit of ASN in September 2024: “The Council has appropriate arrangements in place for the provision of ASN services, however priority requires to be given to ensuring sufficient capacity within the school estate for 2025/26 and beyond.”

- 3.7 The risk of not meeting this legislative duty gives families recourse through the ASN Tribunal service. Nationally the number of references to the Tribunal service has increased by 67% since 2019/20.^[1]
- 3.8 There is also the risk that placements out with East Lothian will be required to be procured if there is no capacity within our estate. This is a significant financial risk. It also does not align with *Belonging to East Lothian* by meeting children and young people’s needs in the communities in which they belong.
- 3.9 Since 2023, steps have been taken to increase the capacity of the existing Specialist ASN estate. This has resulted in the following increase in spaces:

Table 2: Current ASN Provision Capacity

Provision	Capacity 2023	Capacity 2025	Increase in Spaces %
The Cove, Dunbar Primary	30	52	22 (73%)
The Hub, Sanderson’s Wynd Primary	24	33	9 (38%)
Woodside, Windygoul Primary	18	27	9 (50%)
Meadowpark, Knox Academy	49	58	9 (18%)
The Brae, Rosehill High	16	44	28 (175%)
Ross High ASN	34	34	0
Total	171	248	77 (45%)

- 3.10 The Specialist ASN estate is now at capacity and in recognition of the increasing need for spaces and East Lothian’s position as the second fastest growing local authority in Scotland, roll projection modelling work has been undertaken. This is in line with the primary and secondary school roll forecasting methodology, taking into account referrals for Specialist Provision places and number of pupils enrolled in Specialist Provisions, tracked since 2020/21.
- 3.11 The shortfall in Specialist ASN provision spaces has been calculated for the next five years, detailed within Table 3 below:

Table 3: Projected Year on Year Increase of ASN Provision Roll

Year	2027	2028	2029	2030	2031
Primary Spaces Shortfall	47	49	50	46	27
Secondary Spaces Shortfall	36	22	0	17	50

- 3.12 It should be noted that these figures are indicative. Given the size of the population, complexity and unpredictability of needs, and limited availability of historical data to date, work will be undertaken annually to review, refine and moderate.
- 3.13 Although indicative, these figures demonstrate that a consultation for the expansion of the specialist ASN estate is now required.
- 3.14 Expansion plans should be consistent with the following principles:
- Belonging to East Lothian – as far as possible, provision should be available for children and young people in the localities in which they live.
 - Local Development Plan (LDP) 2 - to make use of existing capacity before considering the need for new facilities.^[2]
 - Inclusive Schools – specialist ASN provision should continue to be provided within mainstream schools. This allows for effective and meaningful inclusion.
 - GIRFEC – adequate capacity at the right time to meet the needs of all children and young people requiring specialist provision.
- 3.15 The sites at Law Primary, Stoneyhill Primary and Musselburgh Grammar schools have been identified as their roll projections indicate sufficient capacity available to support the ASN provision requirements. Table 4 and Table 5 over the page outline the current roll projections and planning capacity for the 3 schools:

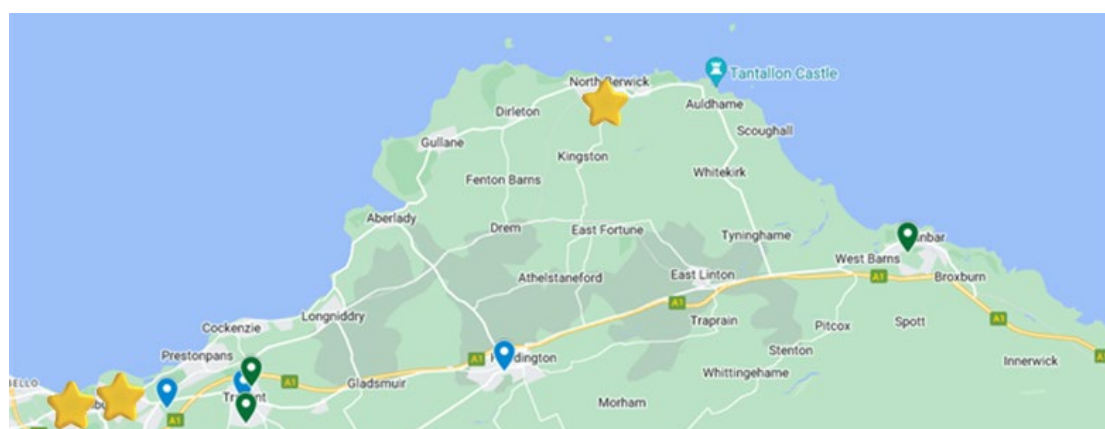
Table 4: Mainstream Roll Projections

	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Stoneyhill Primary School	184	178	176	166	151	147	134	136	134	130
Law Primary School	587	567	507	493	486	488	481	435	412	397
Musselburgh Grammar School	730	712	701	675	666	668	677	689	698	703

Table 5: Planning Capacity

	Current Planning Capacity
Stoneyhill Primary School	313
Law Primary School	849
Musselburgh Grammar School	1399

3.16 Finally, the geographic locations of these schools provides provision in areas in which there is currently none. Proposed new provisions have been marked on the map below with a yellow star:



3.17 Officers have visited each site to undertake an initial feasibility study exercise and an overview of each of the proposals is contained in Appendix 1.

4 POLICY IMPLICATIONS

- 4.1 As per Schools (Consultation) (Scotland) Act 2010, the Local Authority is required to consult on a proposal to establish a new stage of education in a school whereby a stage of education includes a special class in a school which is not itself a special school. Appendix 2 outlines the timeframe for this process.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: Capital and revenue bids will be required to support expansions if consultation and subsequent provisions are approved.
- 5.2 Human Resources: Additional staffing will be required to support expansions if consultation and subsequent provisions are approved.
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	

Subject	Impacts identified (Yes, No or N/A)
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 Provision Proposal Consultation
- 7.2 Appendix 2 ASN Provision Statutory Consultation Timeline

8 BACKGROUND PAPERS

- 8.1 None

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

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Date	22/01/2026

Head of Service Approval

Name	Nicola McDowell
Designation	Head of Education

Name	Nicola McDowell
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	27.01.26

APPENDIX 1

Proposed Provisions Specifications

(1) Law Primary School

- **4 ASN Classrooms**
- **Providing 30 Primary ASN provision spaces**
- **Sensory Room**
- **Hygiene Room with accessible toilet**
- **3 further individual toilets**
- **Resource storage**
- **Office / Meeting / General Purpose room**
- **Dedicated entrance**
- **Dedicated enclosed garden space**

(2) Stoneyhill Primary School

- **4 ASN Classrooms**
- **Providing 32 Primary ASN provision spaces**
- **Sensory Room**
- **Hygiene Room with accessible toilet**
- **5 further individual toilets**
- **Office**
- **Breakout / Meeting space**
- **Dedicated entrance**
- **2 dedicated enclosed garden spaces**
- **Reworking of two smaller rooms to create a new general purpose room for the whole school**

(3) Musselburgh Grammar School

- **6 ASN Classrooms**
- **Providing up to 60 Secondary ASN provision spaces**
- **Life skills room**
- **General purpose / meeting space**
- **Accessible toilet**
- **Changing room with toilet**
- **6 further individual toilets**
- **Resource storage**
- **Office**
- **Dedicated entrance**
- **Dedicated enclosed garden space**

APPENDIX 2

ASN Provision Statutory Consultation Timeline

	Date Beginning	Date Ending	Duration (in weeks)
Notify Education Scotland that a school consultation will take place to ensure their officer time is scheduled	11/11/25 or ASAP thereafter	11/11/25	16 weeks left before start of consultation (recommended 6-month notice)
Paper to Council for approval to consult	17/02/2026	17/02/2026	N/A
Advance public announcement	24/02/2026	03/03/2026	1 week
Statutory Consultation Period	03/03/2026	05/05/2026	6 weeks (must be term time)
Collation of Data for Education Scotland	06/05/2026	20/05/2026	2 weeks
Education Scotland Engagement Period	10/06/2026	01/07/2026	3 weeks
Preparation of Consultation Report	20/05/2026	23/07/2026	9 weeks (3 reports)
Publication of Consultation Report	24/07/2026	14/08/2026	3 weeks
Consideration of Consultation Report by East Lothian Council	25/08/2026	25/08/2026	N/A (assumed next council date)
Notification of Council Decision to Scottish Ministers	25/08/2026	25/08/2026	N/A
Implementation (No approval from Scottish Ministers required)	25/08/2026	25/08/2026	N/A