



THE DONALDSON TRUST

Response to the Scottish Government
consultation on 'Supporting Children's
Learning Code of Practice', draft revised
statutory guidance for the Education
(Additional Support for Learning)
(Scotland) Act 2004.

May 2026

About Neurodiversity

Neurodiversity describes the diversity of humans' brains and minds. A person who is, for example, autistic is neurodivergent; they are in the neuro-minority, not the neuro-'typical' majority.

Other neurodivergences include: ADHD, dyscalculia, dyspraxia, dyslexia, dysgraphia, misophonia, Tourette's Syndrome, or differences in cognitive function.

About Us

The Donaldson Trust envisages a society in which neurodivergent people are understood, accepted, treated fairly and valued. As the National Body for Neurodiversity, we will seek to lead by example. We exist to strengthen understanding of neurodiversity, develop excellence in practice, and help neurodivergent people find their voice.

Though there is much work to be done, we believe there are genuine opportunities to change society for the better. We aim to be at the forefront of driving this change – and making a difference with and for neurodivergent people.

Alongside neurodivergent people and our partners, we look to shape the policies being made on issues most important to neurodivergent people and families.

We improve outcomes and representation via Connect; our training and consultancy offer. Connect is accessed by organisations looking to increase their knowledge around neurodivergence, support neurodivergent colleagues, and embed neuro-inclusive cultures.

We support neurodivergent children, young people and adults in services based at our Linlithgow campus, where we offer space and support needed to help them to realise their own goals and aspirations:

- **Sensational Learning Centre (SLC)**

We provide Individualised, skills-based learning (with a focus on laying a foundation of good wellbeing and communication) to young people with Additional Support Needs, including sensory and social-communicatory differences, at our Grant-Aided Special School.

- **Vibe**

Our wellbeing service for neurodivergent people ages 12-18 not in full-time mainstream education, Vibe focuses on reducing anxiety, developing life skills, and growing self-esteem and resilience. The low-arousal spaces enable young people to thrive and achieve personal goals, enabling them to re-engage with learning opportunities. Vibe's activities mirror the interests and skills of the young people enrolled, built within an evidenced wellbeing framework.

- **Gate**

A skills development and training offer for neurodivergent adults, Gate has been co-designed with those who benefit from it and offers a friendly environment where neurodivergent adults can relax and be themselves. Like our other services, Gate takes an individualised approach to ensure trainees achieve agreed goals and ambitions, often through a wide range of vocational / accredited courses.

- **Treehouse**

Treehouse has a focus on developing communication skills, offering bespoke, low-arousal environments that enabled improved wellbeing and greater independence. A practitioner works with the supported person to tailor activities to interests and needs.

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Having been founded in the 1850's, The Donaldson Trust has provided education and care throughout its history – and has now established itself in the neurodivergence space.

<https://www.donaldsons.org.uk/>



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The Governors of The Donaldson Trust is a registered charity in Scotland, number SC017417.

Overview

The Donaldson Trust welcomes this opportunity to review the proposed changes in 'Supporting Children's Learning Code of Practice', the 4th edition of statutory guidance underpinning the Education (Additional Support for Learning) (Scotland) Act 2004. We respond in two capacities; as managers of a Grant-Aided Special School (GASS), and as a neurodivergence advocacy charity that works to embed neuro-inclusive practices, and drive attitudinal shifts, in education and beyond.

Our GASS, Sensational Learning Centre (SLC), supports children & young people with Additional Support Needs – including sensory and social-communicatory differences. SLC employs a wellbeing curriculum that is focused on good mental health, social-emotional learning and pupil voice as the foundation of achievement. Our education offer prioritises holistic, inclusive success measures over traditional academic standards, recognising that the many journeys to success are as diverse as the pupils taking them.

This renewed purpose is reflective of the growing prominence of neurodiversity – and the need to meet Additional Support Needs more generally – in society, and the need to address the challenges neurodivergent children and families continue to face when accessing (and trying to access) provision.

Our Head of Learning Services, Angela Evans, gave evidence recently to the Scottish Parliament's Equalities, Human Rights, and Civil Justice Committee as part of its 'Neurodivergence in Scotland' inquiry, highlighting how we meet the needs of neurodivergent learners in SLC, and where we need to see system change. Prior to their election recess, the Committee published its report, which included a focus on education ¹. Together with the findings

¹ [Neurodivergence in Scotland](#)

of two other parliamentary inquiries^{2 3} (on ASL and neuro-developmental assessment and support by Holyrood’s Education and Health Committees) this report’s conclusions crystallise what neurodivergent learners, families, and organisations who advocate with and for them have been saying for years, including that:

- there is a significant gap between what is written in policy and what neurodivergent people will experience in reality
- ‘neuro-affirming’ practices are an obligation, not some added extra
- those responsible for the delivery of education in Scotland should at pace outline how they will address inadequacy in provision with clear action points and timelines

The difference between well-intentioned policy and the underwhelming reality of a system ill-suited to meeting the needs of those with ASN is perhaps the central issue in school education in Scotland today. Though the updated statutory guidance has a role to play in clarifying to stakeholders’ rights (and more pertinent for local authorities) responsibilities related to the Act, it is one small part in a wider package of overdue reform.

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Question 1

The refreshed guidance sufficiently makes clear that it is a **statutory document**, which is legally required to detail the 2004 Act’s provisions and the secondary legislation that supports it.

➤ **Agree**

While the statutory nature of the guidance is made clear throughout, the guidance should define the term ‘statutory’ in plain English – and be supplemented with practical examples within each section to demonstrate

² [Additional Support for Learning](#)

³ [ADHD and Autism Pathways and Support](#)

what this means. The guidance contrasts its statutory footing against the non-statutory footing of other guidance and plans on multiple occasions, which is useful; however, all stakeholder groups might not necessarily appreciate the weight of the Code of Practice in respect of their own rights and responsibilities without plain English explanation and practical example(s).

Statutory guidance is only meaningful if it translates into lived reality for neurodivergent learners and families.

Question 2

The draft guidance is **clear, accessible, and reader-friendly** for the wide audience it is intended to support.

➤ Disagree

The document is both text-heavy and jargon-heavy. Though the Glossary appendix is a helpful inclusion, we believe it does not cover a sufficient range of terminology and should be expanded significantly. The design of the document does not enable comprehension and the Scottish Government should re-design it, making better use of visual explanations, graphics, and dyslexic-inclusive design. We are happy to support this.

We believe that the guidance should be, where relevant, re-written to clearly outline rights and responsibilities from the perspective of each stakeholder group. The primary focus of the guidance should be to articulate, for the benefit of learners and families, their rights in respect of assessments, planning, placements and transitions (and appeals and process related to each).

To that end, we believe that a separate version of the guidance (based on the substance of the document being consulted on) could be produced to better inform learners and families. This should be shorter, clearer, and rights-focused (and include more accessible information on how to access various routes to challenge).

Question 3

The refreshed guidance accurately **reflects existing additional support for learning legislation and key policies** affecting children and young people with additional support needs.

➤ **Disagree**

While the draft guidance engages with and effectively references a host of policies and legislation, we have concerns that it is not sufficiently detailed in important areas for neurodivergent learners and our charity – particularly around the relevance of good wellbeing to positive outcomes for learners and perceptions of the role of GASS in Scotland.

Reflective of the demonstrable quality of our own provision ⁴, the continued need for specialist provision, and the Scottish Government’s support for the GASS grouping, the guidance should explicitly recognise Grant-Aided Special Schools as integral (not peripheral) to delivery of the 2004 Act.

The guidance states ⁵ local authorities may place into GASS “rarely”, which speaks to a perception, particularly prevalent amongst placing authorities, that GASS are not integral to meeting increasing demands for specialist education provision. We believe that schools such as our own should be given equal consideration for placements alongside local authority special schools as part of renewed efforts to drive more consistent engagement and collaboration between local authorities and the independent sector. The draft guidance should speak to this.

Increased engagement would increase understanding of the GASS status overall, as well as the benefits of placing in GASS. It would highlight the recognised quality of our practice as well as our role in modelling innovative, inclusive, and neuro-affirming practices that can and should inform system-wide improvement across the country, particularly at a

⁴ Donaldson’s School Inspection Report, His Majesty’s Inspectorate of Education in Scotland

⁵ P.100

time of education reform and a surge in recognition of neurodivergent learners in all schools. We are happy to speak to this in more detail.

The guidance should affirm throughout that the wellbeing and safety of young people are prerequisites at each stage of the processes outlined in the guidance, including assessments, planning, placements and transitions (and appeals and process related to each). Additionally, the guidance should clarify that the views of eligible children must meaningfully influence placement decisions, support planning, and transitions.

Whilst we support the “presumption of mainstream” in principle, this guidance must state explicitly that presumption of mainstream must never override the wellbeing or safety of a learner. We know, from the lived experience of people we have support in our school and in other services, a ‘failed’ school placement is actively harmful; moreover, a prolonged exposure to inaccessible environments (due to sensory and social-communicatory differences, for instance) could constitute systemic harms rather than inclusion. The draft guidance should speak to this.

Question 6

Which areas of the refreshed guidance would most benefit from **practical case studies to help school staff** in supporting children and young people with additional support needs?

Practical case studies in the guidance must include references to neurodivergent lived experiences and supporting and enabling neurodivergent children and young people (and others with social-communicatory, sensory and social differences). This is especially important given increasing recognition and appreciation of neurodivergent profiles and trends in identified prevalence of neurodivergence in the classroom.

Given our support of neurodivergent people via our Grant-Aided Special School, we would be happy to work with the Scottish Government to

develop case studies reflective of the experiences of people we support. We would be especially keen to speak to our ‘wellbeing curriculum’ approach as part of this.

Question 7

Further comments.

- HMIE’s inspections should explicitly tests schools’ compliance with each part of the Code
- The guidance must explicitly recognise the necessity of specialist staff, multidisciplinary input, and protected time for collaboration and planning

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The most recent Pupil Census ⁶ highlights that 43% – almost 300,000 learners – are recorded as having an ASN. The number of autistic learners continues to rise substantially, too, as part of this, now totalling 41,285. The 12% rise in the past year comes on top of a clear trend in recorded neurodivergence in recent times; for instance, the 87% and 52% increases in autistic and dyslexic pupil numbers, respectively, in the five years following the onset of the pandemic.

Despite these trends, we have seen a withering away of support for learners. Spending per pupil (by local authorities) on Additional Support for Learning (ASL) provision fell 34% in the decade to 2023 – £5,698 to £3,764 ⁷. Though we recognise the overall figure has risen to more than 1bn£, the investment does not reflect the major increase in need for this period.

Similarly, ASL-specialist teacher numbers have stagnated in recent years, having fallen by a fifth between 2010 and 2017. The teacher pupil ratio has increased by a magnitude of five to 1 to 100 as of 2024, leading to class teachers without specialisms in ASL taking on a more ASL-focused role.

⁶ [Pupil Census Supplementary Statistics 2025](#)

⁷ Based on increase in number of pupils with ASN rising at a faster rate than increase in ASN spending.

Audit Scotland highlighted recently that ASL provided by such teachers increased by 347% from 2019 ⁸.

We know that the structural failures of ‘the system’ translates into poorer outcomes. This can be seen in respect of a lack of access to transition support, appropriate mental wellbeing support, reasonable adjustments, experiential learning, non-academic pathways, and neuro-inclusive environments. This lack of access, though disadvantageous to all, is especially profound for neurodivergent learners, whose social-communicatory differences act as barriers to ‘mainstream’ learning, and whose educational outcomes sit among the poorest of any marginalised group.

And these inequalities are compounded by actively harmful practices, such as the mis-use of restraint & seclusion and an *ad hoc*, unevidenced use of part-time timetabling and exclusions, as well as societal discrimination & stigma. Overall, the (increasingly) large cohort of neurodivergent learners in Scotland’s mainstream schools are at the sharp end of failures to create truly inclusive education.

So, the realities of an education system that is not yet been positioned to meet adequately the challenges that it faces has never been more apparent. The efforts of educators to support children & young people, especially those with ASN, in these circumstances is not a substitute for the leadership, structural change, and increased investment that Scotland’s education system badly needs.

We call on the incoming Scottish Government to:

- **Implement, fully, the recommendations of the Independent Review of Qualifications and Assessment**
- **Restore the per pupil spend on Additional Support for Learning, ASL, provision to its 2013 level**

⁸ [Additional Support for Learning, Audit Scotland](#)

- **Transfer the functions of local authority Education Appeal Committees to the First-tier Tribunal for Scotland**
- **Publish guidance, applicable to all schools, on their use of exclusions and 'part-time' timetabling**
- **Review building standards in respect of neuro-inclusive design and construction principles, ensuring campuses are being developed with sensory difference in mind**
- **Commission an independent analysis of the resourcing and infrastructure required to build a genuinely neuro-inclusive education system**
- **Reform school inspection to prioritise holistic inclusive success measures central to a wellbeing-focused approach to learning.**

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