

## Respondent Information Form

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Are you responding as an individual or an organisation?

- Individual  
 **Organisation**

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name**  
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### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes**  
 No

## Questionnaire

### 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.

- Strongly agree
- Agree
- Disagree
- Strongly disagree

Please give reasons for your answer.

### Question 2

The draft guidance is clear, accessible, and reader-friendly for the wide audience it is intended to support.

- Strongly agree
- Agree
- Disagree
- Strongly disagree

Please give reasons for your answer.

BATOD recognise the intention to make the draft Code clearer and more reader-friendly for a wide audience (including parents/carers, and children and young people (CYP)). However, as statutory guidance on the Education (Additional Support for Learning) (Scotland) Act 2004, it must also provide sufficient operational detail for local authorities and practitioners to implement duties consistently; in our view, some of that practical detail has been diluted.

The draft Code also assumes readers can readily connect content across different sections and follow multiple references; clearer internal cross-references, an acronym list, and consistent signposting would reduce cognitive load for the reader. Given the Code's focus on additional support needs, BATOD feel it should also explicitly confirm that the final digital publication meets accessibility standards and has been user-tested with people using assistive technologies and with a range of access needs.

### Question 3

- Strongly agree
- Agree
- Disagree**
- Strongly disagree

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

The draft Code would benefit from clearer alignment with key developments since the previous Code, including the Scottish Government's response to the Morgan Review. In addition, the draft Code provides limited guidance on the purpose and review of IEPs, and it does not sufficiently emphasise the routine involvement of CYP and of parents/carers in Child's Plan, IEP and CSP reviews meetings (including recording their views and how these have informed decisions).

In the context of United Nations Convention on the Rights of the Child (UNCRC) incorporation into Scots law, the Code should be explicit about how children's rights are realised through day-to-day ASL practice—assessment, planning, provision and review. This should include clear expectations that CYP are rights-holders from birth, and that their participation is accessible with a clear record of the CYP's views and how these have influenced decisions about additional support.

BATOD requests the following changes:

- Update the Code to reflect the Scottish Government's response to the Morgan Review and related developments in the ASL landscape.
- Strengthen guidance on IEPs, including the purpose, content and review process, and clarify who should be involved.
- Make clear expectations for CYP's and parents/carers' participation in Child's Plan, IEP and CSP reviews, including recording views and how they informed decisions.
- Incorporate explicit UNCRC-informed practice expectations across assessment, planning, provision and review, including accessible participation and communication support.
- Reinstate Annex A (as in the 2017 Code) and update it so the Code clearly signposts the wider legal and policy framework including the British Sign Language (Scotland) Act 2015, the Education (Scotland) Act 2025, including clarification/signposting on the option of sign bilingual education provision, and for health, universal Newborn Hearing Screening.
- Recognise of the importance of close, timely liaison between health and local authority support services for deaf CYP to mitigate risk of language delay, poor mental health and well-being, and missed attainment potential. The BATOD/NDCS Specialist Deaf Curriculum Framework identifies areas of specialist support and good practice that can improve independence and outcomes for deaf CYP and their families.
- Acknowledge the learning from the Lothian audiology review and subsequent National Taylor Review with clear signposting to guidance on inter-agency working.

#### Question 4

The refreshed guidance provides sufficient detail on each section of the 2004 Act.

**Disagree**

Please give reasons for your answer.

BATOD considers there are several areas where the CoP guidance could be much more explicit in order to maintain equitable services for children with ASN, including CYP with any level and type of deafness in Scotland.

#### **Comparison with the 2017 Code of Practice and implications for deaf CYP and educators**

BATOD recognises and welcomes the stated intention in the proposed 2026 Code to improve clarity, readability and navigation for a wide range of users. However, compared with the 2017 Code, the draft 2026 Code appears to streamline or remove some practical supporting material that helped professionals to interpret duties in context—particularly the dedicated annexed links to other legislation/policy and the use of brief case studies /examples to illustrate how processes under the Act operate in practice. The draft 2026 Code would benefit from retaining and updating that kind of structured signposting (rather than relying on more general references), particularly given the expanded policy/legislative landscape since 2017.

- The proposed 2026 Code more strongly foregrounds a rights-based framing and links to the National Improvement Framework priorities, which is welcome; however, it also needs to retain sufficient operational detail to reduce variation in interpretation between local authorities (especially around staged intervention, planning/review processes, and the interaction with duties on appropriate agencies).
- Where content is streamlined for readability, BATOD suggest compensating by providing clearer cross-references, updated annexes and practical case studies/checklists, so that practitioners (and parents/carers) can move from high-level principles to concrete expectations in assessment, planning, provision and review. Streamlining should not inadvertently reduce visibility of specialist roles. The 2026 Code should explicitly recognise specialist teachers (including Qualified Teachers of Deaf Children and Young People (QToDs)) within descriptions of professional contributions, and should support local authority planning for mandatory qualification routes and ongoing CPD to sustain the specialist workforce.
- The consultation on the 'Teachers of children and young people who are blind or partially sighted, deaf, or deafblind: guidance' closed in July 2025. Once the published outcome document is available, it should be referenced within the Code.

#### **Understanding Additional Support Needs (including the needs of deaf CYP)**

- If the 2026 Code is less explicit than the 2017 Code in its practical signposting, there is a risk that deaf CYP's entitlement to specialist teaching input and communication access is interpreted inconsistently, with greater reliance on local thresholds within staged intervention before specialist involvement is agreed. Access and reasonable adjustments: For educators, clearer guidance is needed on how duties under the ASL framework align with Equality Act 2010 duties (reasonable adjustments and accessibility planning) to ensure consistent approaches to classroom listening environments, communication support, curriculum access and assessment arrangements for deaf learners.

## **Identifying and Assessing Needs and Planning and Providing Support**

- Parents should have access to unbiased evidence based information to enable them to make informed decisions about language, communication. For some families, access to English (and their home language) and British Sign Language may be their informed decision and for them successful early intervention, the team around the family will involve other specialist support staff eg British Sign Language tutors.  
Research suggests 40% of deaf CYP have other co-occurring needs. The Code should record the expected range of services to be available in each local authority to enable Councils to build sustainable staffing and training models and budgets. In small and or remote areas, this may require regional planning to enable cost-effective ways of working.

### **Transitions**

The arrangements for transition (including to secondary and to FE/HE) are currently lacking in the draft. The Code should set out explicit responsibilities for local authorities to review each CYP's additional support package before exit from school-age education, and to ensure continuity of access arrangements and specialist input so deaf learners do not experience breaks in provision at key points of change. The Code should also be complemented by updated Scottish Funding Council guidance for FE/HE institutions on responsibilities for supporting transition plans (including IEPs and CSPs), including resourcing qualified and specialist staff for academic, social and wellbeing support.

### **Risks for deaf CYP if the Code is not sufficiently explicit**

- Delayed access to specialist assessment and provision (including QToD input), where staged intervention thresholds are applied inconsistently or specialist involvement is treated as optional rather than expected when access needs are identified.
- Reduced communication access in day-to-day learning if “support” is interpreted as generic ASN support rather than specific measures to secure access to spoken/signed communication, the listening environment and language development.
- Increased risk of avoidable language delay in the early years if the Code does not clearly reinforce proactive, pre-nursery support (including timely liaison following newborn hearing screening and audiology referral pathways).
- Breaks in provision at key transition points (nursery entry, primary–secondary, school–FE/HE) if responsibilities for continuity of access arrangements and specialist input are not clearly set out.
- Gaps in coordinated support when “appropriate agency” contributions are delayed or unavailable, without clear escalation routes—potentially weakening planning and review and, in some cases, access to the legal protection of a CSP.
- Inconsistent application of reasonable adjustments/accessibility planning across schools and stages, leading to uneven access to the curriculum, assessments and social participation.

### **Resolving Disagreements**

Strengthen guidance on “appropriate agencies”, including escalation routes where contributions are delayed or unavailable, and how this should be recorded in planning and review (including implications for CSP eligibility/implementation).

BATOD requests the following changes:

- Clarify staged intervention decision points and expectations for timely specialist involvement (including QToDs) where access needs are identified.
- Reinstate and update annexed signposting to relevant legislation/policy (as in the 2017 Code), and improve internal cross-references within the Code.
- Strengthen guidance on “appropriate agencies”, including escalation routes where contributions are delayed or unavailable, and how this should be recorded in planning and review (including implications for CSP eligibility/implementation).
- Add practical case studies/checklists (including a deaf-specific example) to support consistent interpretation across local authorities.
- Explicitly recognise specialist teachers and the workforce/training implications (mandatory qualification routes and ongoing CPD) to sustain specialist provision.

#### **4.6 Summary**

The Code should acknowledge that successful implementation depends on workforce capacity and specialist expertise. Clearer statutory guidance alone will not improve outcomes unless accompanied by sustained investment in specialist staffing (including QToDs and other specialist teachers), professional learning, and protected time for collaborative planning/review.

BATOD’s position is that inclusion should be understood as belonging, participation and access—not simply placement. The revised Code should more explicitly support equitable interpretation and delivery of Additional Support for Learning duties across all local authorities, and it should help practitioners and families to understand how children and young people’s rights and views are meaningfully embedded in planning and review processes. In the context of UNCRC incorporation, clearer expectations around participation (including accessible communication) and accountability would also support public authorities to demonstrate compatibility with children’s rights in ASL decision-making. It should also signpost more clearly how ASL duties align with Equality Act 2010 duties (including reasonable adjustments and accessibility planning), to reduce variability in the access arrangements that deaf learners rely on.

In addition, the Code should be explicit that specialist provision and specialist teaching input must not be reduced through capacity-led thresholding or overly generic role substitution. Where deaf CYP require specialist teaching and/or communication access, this should be delivered (or overseen) by appropriately qualified staff, with clear expectations for training routes and ongoing CPD to sustain the specialist workforce. Without this level of clarity, there is a risk that local thresholds within staged intervention delay specialist involvement and that day-to-day communication access is addressed inconsistently across settings.

Clarity is required for parents/carers on the systems and processes and their rights when the CYP is educated outside their home local authority. Enquire should be engaged to support this specific area of information sharing, and learnings gained from the practice for care experienced young people.

**Question 5**

The guidance document sufficiently signposts or provides links to further guidance and support where necessary.

- Strongly agree
- Agree
- Disagree**
- Strongly disagree

Please give reasons for your answer.

Further signposting is needed. In particular, parents/carers and practitioners would benefit from clearer cross-references within the Code and from updated, accessible parallel guidance on Enquire.

**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?

BATOD considers that practical case studies, including deaf specific examples, would be helpful.

Please provide any further comments on the proposals set out in this consultation in the box below.

Review the language used in the CoP to be in line with other Scottish policy eg multilingual instead of bilingual, remove outdated terminology eg learning styles and references to typically redundant technology eg USB sticks.