

Item no 5.6

QUESTION NO 6

By Councillor Rose for answer by the Leader of the Council at a meeting of the Council on 31 May 2018

In April 2014 a parent of a child requested assessment by the City of Edinburgh Council (CEC) for a co-ordinated support plan (CSP) in terms of Section 2 of the Education (Additional Support for Learning) (Scotland) Act 2004. Subsequent proceedings were raised in respect of a failure to provide a CSP, and the tribunal issued a direction to Edinburgh Council to produce a CSP no later than 6th January 2016. On that date the Council issued a finalised CSP. A second tribunal hearing found the CSP inadequate and that CEC had discriminated against the child in terms of Section 85(2)(a) of the Equality Act 2010.

- Question** (1) After failing to provide a CSP as requested, why was the CSP instructed by the tribunal produced at the last possible minute and how was it that an inadequate CSP was produced?
- Answer** (1)
- Question** (2) When it did eventually produce a CSP what caused CEC to produce an inadequate CSP?
- Answer** (2)
- Question** (3) Why was the legal advice given on behalf of the Council found to be unsuccessful on three occasions?
- Answer** (3)
- Question** (4) How much has it cost to defend the Council's position unsuccessfully on these three occasions? Please include internal and external costs.
- Answer** (4)
- Question** (5) How is it proposed to review the apparent failing within the Education Department?
- Answer** (5)

Question (6) How is it proposed to review the quality of the legal advice followed by CEC?

Answer (6)

Question (7) Is there a strategy document which guides the circumstances when CEC defends claims made against it? If so, how does it weigh principled considerations? If not, what principles does CEC follow?

Answer (7)