

## Appendix 5: FOI Responses

This appendix has been redacted to remove personal data and confidential or sensitive information in line with data protection requirements. Removed content is marked as [redacted].

### **Freedom of Information (Scotland) Act 2002**

**Reference - 753495739**

### **Proposal to change enhanced provisions on primary schools**

#### **Request:**

#### **1. Strategy document(s) supporting the benefits described in the proposal document currently used to support public consultation.**

The proposal currently out for consultation is informed by existing national and local policy frameworks which guide how local authorities plan, resource and deliver support for children and young people with additional support needs. The proposal aligns with the principles, duties and improvement priorities set out in the documents attached.

#### **Documents Provided**

- Falkirk Council Staged Intervention Support Guidance (attached as PDF)
- [Presumption to provide education in a mainstream setting: guidance of Mainstreaming - Scottish Government](#)
- [National Framework for Inclusion](#)
- [How Good Is Our School? \(HGIOS 4\) - Education Scotland](#)
- [Additional Support for Learning review: Action Plan Update \(June 2024\) – Scottish Government](#)

#### **2. Impact assessment supporting the benefits described in the proposal document currently used to support public consultation**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies. An impact assessment will be concluded following the conclusion of the consultation.

#### **3. Current budget allocation towards the 15 Enhanced Provisions and any document showing savings**

##### Budget allocation

- Teachers at Enhanced Provisions - £2,411,581.50
- Support for Learning Assistants (SFLAs) at Enhanced Provisions - £1,232,451.80

##### Documentation

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

4. Research or impact documents/reports which show the availability of staff trained and availability of same in our demographic and who will require to be recruited across the proposed wider landscape of Enhanced Provision.

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

Enquiries to: [redacted]

Email: [\[redacted\]](#)

Date: 3<sup>rd</sup> December 2025

Dear [redacted],

**Freedom of Information (Scotland) Act 2002**

**S.21(5) Review Notice**

I refer to your request for review dated 5<sup>th</sup> November 2025 in relation to your original request dated 2<sup>nd</sup> October 2025.

First, I would like to sincerely apologise for the delay in responding to your initial request. We appreciate your patience and understand that timely responses are important. Please be assured that we have now reviewed your correspondence carefully and aim to provide a clear and comprehensive response.

I note that your review includes questions that were not part of your original request. For ease of reference, I have provided responses to all queries below. These additional questions have been addressed here to ensure you have a complete and helpful response.

## 1. SFLA Recruitment and Retention

- The total number of teachers, both SFLA and class teachers, recruited each year from 2019–2025.**

Year	Teachers	Support for Learning Assistants
2019/20	183	71
2020/21	135	78
2021/22	141	123
2022/23	167	90
2023/24	126	66
2024/25	123	66
2025/26* up to 31/10/25	142	72

- Any available turnover data for the same period (teachers leaving the service).**

Year	Teaching	*Non-Teaching
2019/20	8.1%	7.4%
2020/21	6.0%	7.1%
2021/22	6.6%	9.8%
2022/23	8.4%	11.3%
2023/24	5.8%	9.3%
2024/25	7.8%	9.6%
2025/26* up to 31/10/25	4.9%	5.6%

\*This information is not recorded for SFLA's only.

- The top five reasons cited in staff exit interviews during that period.

Exit interview reasons are not recorded – Section 17 of FOISA (information not held) applies.

Please see tables below for top 5 reasons for teaching and SFLA staff taken from the HR/Payroll system.

Teaching	Resignation	End of Temporary Contract	Other	Normal Retirement	Retirement (early)	Total
2019/20	133	28	75	21	14	271
2020/21	77	30	10	21	20	158
2021/22	132	22	17	28	13	212
2022/23	149	39	2	22	12	224
2023/24	111	19	71	13	13	227
2024/25	101	45	67	17	10	240
2025/26* up to	98	97	2	27	8	232
Support for Learning Assistants (SFLA)	Resignation	Normal Retirement	Retirement (early)	Retirement (ill health)	End of Temporary Contract	Total
2019/20	16	10	3	1	1	31
2020/21	26	23	0	1	1	51
2021/22	37	18	4	0	5	64
2022/23	44	9	4	8	1	66
2023/24	35	14	4	1	2	56
2024/25	45	12	4	8	2	71
2025/26	21	10	2	2	3	38

## 2. Pupil Voice Data (2024–2025)

*In your response, you stated that “no pupil voice data was gathered in relation to the proposed changes” and that “the views of pupils have been gathered as part of the consultation launched after 21 August 2025.” This contradicts information previously provided (voice recording attached) by Kirsty Ferguson, who confirmed that pupil voice data was gathered in 2024 to inform the Enhanced Provision review.*

*Please therefore clarify:*

- Whether any pupil voice, survey, or feedback data was gathered in 2024 (or early 2025) that informed discussions, reports, or decision-making related to the Enhanced Provision model.
- If so, please provide a copy or summary of this data.
- If not, please confirm why conflicting statements have been made regarding the existence of such data.

Falkirk Council confirms that no pupil-voice, survey, or feedback data was gathered in 2024 or early 2025 for the purpose of informing the development of the Enhanced Provision (EP) proposal.

Pupil-voice activities relating specifically to the EP proposal took place only after the statutory consultation opened in August 2025, in line with the requirements of the Schools (Consultation) (Scotland) Act 2010. These submissions are now with Education Scotland as part of their independent review.

Regarding the audio clip referenced in your request: the statement made by Kirsty Ferguson referred to pupil-voice feedback being gathered during the live consultation period, not to any data gathered prior to it. No pupil-voice activity relating specifically to this proposal occurred before the consultation began.

For clarity, Falkirk Council did undertake broader pupil-voice engagement as part of the wider ASN Review. This is routine practice in schools and formed part of the stakeholder-engagement phase of that review. Pupils from across all stages were asked about what helps them to learn, what causes them to struggle, and what support would help them in future. This work was entirely separate from the Enhanced Provision proposal and was not carried out in preparation for it specifically but instead to gain views from the perspective of our young people and what they need from us as a service.

### **3. Comparative Models**

***The link you provided (“Proposal to Consult on Enhanced Support in Falkirk Primary Schools – 21 Aug 2025”) does not include any comparative analysis or reference to how other councils have structured similar inclusion or mainstream transition models. As such, this response is incomplete.***

- Please provide any reports, briefings, internal notes, or meeting minutes that compare or reference other Scottish local authorities’ approaches to transitioning from Enhanced Provision to mainstream inclusion models.**
- If no such work has been carried out, please confirm explicitly that no comparative analysis has been undertaken by Falkirk Council to inform this proposal.**

Falkirk Council can confirm that no formal comparative analysis, written reports, or briefing papers comparing other local authorities were produced specifically to inform the Enhanced Provision (EP) proposal.

Officers routinely engage with colleagues in other Scottish local authorities as part of wider service reviews, and these conversations fall under normal professional exchange. They did not generate any written outputs, minutes, or comparative documents. Any information discussed related only to publicly available approaches already published by those authorities and did not result in the creation of new analysis or documentation within Falkirk Council.

Having considered your request, we have determined that some information relevant to your request is exempt under Section 30 of the Freedom of Information (Scotland) Act 2002 (FOISA) – *Prejudice to effective conduct of public affairs*.

This exemption applies because disclosure of internal discussions and draft material at this stage would, or would be likely to, substantially prejudice the effective conduct of public affairs. Officers must be able to exchange views freely and frankly to ensure robust policy development. Premature disclosure could undermine confidence in the consultation process and inhibit candid discussion, which is essential for sound decision-making.

#### **Public Interest Test**

While we recognise the public interest in transparency and accountability, we consider that this is outweighed by the need to protect the integrity of the Council’s decision-making process. Disclosure at this stage would risk misinterpretation of incomplete information and could prejudice ongoing work to develop inclusive education provision.

#### 4. Clarification on Data Holding

*Multiple sections of the FOI response state that information "is not held." Given the scale and implications of the Enhanced Provision model, it is unclear how such fundamental data (staffing trends, readiness assessments, comparative analysis) could be absent from the Council's evidence base.*

**Please confirm:**

- **Whether these data sets are held in other Council systems or departments (e.g. HR, Education, or Strategy and Performance).**
- **Whether the Council plans to compile or publish these datasets as part of ongoing consultation transparency commitments.**

The datasets referred to are not held by the Education Service or by any other Council department or system. These datasets have not been compiled, and there are no current plans to produce or publish them as part of the consultation process. The Council's transparency commitments apply to information that is held and relevant to the consultation, which has already been provided.

In line with Section 17 of the Freedom of Information (Scotland) Act 2002, the Council confirms that the information requested is not held.

Please refer to the enclosed leaflet which explains your right to complain about the handling of your case and/or the decision made.

If you would like to know how we treat your personal information, you can read more on the Council's privacy webpage - <https://www.falkirk.gov.uk/privacy/>.

Yours sincerely,

[redacted]

Our Ref: 754131730/EDU

**Freedom of Information (Scotland) Act 2002**

**Reference - 754840974**

**ASN review materials**

**Request:**

**Please release all material held by the council that has been gathered as part of the ongoing ASN Review, and which is has been used to inform, in any way, the proposed changes to Enhanced Provision.**

**For context, during a public meeting to discuss the EP proposals, an official told the audience that data gathered during the ASN Review had directly informed the planned changes. It was suggested that this included evidence that all pupils considered to be at 'Stage 3', but who are educated in mainstream schools, are already having their needs met. Reference was also made to information such as teacher surveys and feedback.**

**The council has stated that there is no overall ASN Review report to publish at this stage, because the work is in several strands and some are still ongoing. However, the strand involving EP has clearly progressed significantly if the council is able to launch a statutory consultation over the proposed changes, so I believe that this information must be available, has been used by officials, and should be released.**

Response:

The Additional Support for Learning (ASL) Review is a broad, ongoing programme of work with several strands progressing at different stages. No single overarching report has been produced at this point.

The statutory consultation on Enhanced Provision (EP) is, however, a separate but concurrent piece of work. Planning for this work began in 2023, when there was initial stakeholder engagement, and has been informed by three core sources:

1. The Enhanced Provision Committee Paper and Proposal paper- which sets out the rationale underpinning the proposal. This includes analysis of current capacity pressures, operational challenges, and the need to create a more consistent, needs-led model across primary schools. It demonstrates an understanding of the changing profile of Stage 3 pupils across Falkirk schools, and the pressures arising where needs have increased but EP capacity has been exceeded. This highlights both rising need and variation across establishments, which the proposal seeks to address.
2. Scotland's Presumption of Mainstreaming - the national statutory and policy requirement that children and young people are educated in their local mainstream school unless one of the defined legal exceptions applies. This duty underpinned the direction of Enhanced Provision planning and reinforces the need to deliver the right support, as close to home as possible.
3. EP placement Data and trends in ASN identification and the number of children requiring enhanced (stage 3) or intensive (stage 4) support.

These three evidence sources form the basis of the EP proposal and were sufficient for the Council to progress to statutory consultation. While emerging findings from the ASL Review have been helpful in reinforcing known issues, they have not been the determining factor in shaping the proposal.

#### % of pupil population with ASN (Census data)

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	
Primary	23.81%	25.85%	27.42%		31.94%
Secondary	35.94%	38.17%	41.26%		44.51%
Special	100.00%	100.00%	100.00%		100.00%
<b>AUTHORITY</b>	<b>29.88%</b>	<b>32.04%</b>	<b>34.30%</b>		<b>38.23%</b>

#### EP 10 Year historical placement data

At end of year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Total EP Placements	238	244	231	235	239	236	238	265	284	285

- Authority Total stage 4 numbers for 25/26: 503
- Authority Total stage 3 numbers for 25/26: 1163

**Freedom of Information (Scotland) Act 2002**

**Reference - 755193664**

**Groupcall Message Regarding Enhanced Provision Consultation**

**Request:**

- 1. Copies of all Groupcall messages and associated communications (including drafts, test messages, and final versions) sent to schools and/or parents in relation to the Enhanced Provision consultation between 1 August 2024 to date**

Please see attached response to Q1.

- 2. Distribution lists and delivery reports (or equivalent records) showing:**

- a) Which schools and recipients the Groupcall message was sent to;**
- b) Whether the messages were successfully delivered; and**
- c) Any known delivery failures, bounce-backs, or technical issues.**

Please see attached response to Q2.

- 3. Internal correspondence, meeting notes, or reports discussing or acknowledging Groupcall messages including those related to problems or failures in the distribution or delivery of these Groupcall messages.**

Please see attached response to Q3.

- 4. The date and method by which the Council first became aware of any delivery failure or incomplete communication to parents.**

The Council first became aware of the issue via an email from one of our Head Teachers on Monday 1<sup>st</sup> September.

- 5. Any corrective actions or follow-up communications undertaken to ensure that all parents were informed about the consultation after the reported issue.**

After becoming aware of the issue, all Schools and Early Learning and Childcare Centres were emailed on Friday 5<sup>th</sup> September with pre-prepared communications to be circulated to their parents/carers. Establishments were contacted by email – a copy of the email can be found in the attached documents.

- 6. Copies of any risk assessments, communications strategies, or decision logs referring to the use of Groupcall for consultation notification.**

We do not have risk assessments, communication strategies or decision logs for the use of Groupcall.

- 7. Any communications with Education Scotland or external advisors referencing this issue.**

There are no communications directly with Education Scotland on this matter. However, all emails received from parents with comments or enquiries about the consultation were sent to Education Scotland on Friday afternoon – this will include emails from parents who have notified us of the issue. Please see attached emails between the service and Groupcall regarding the issue.

Dear [redacted],

**Freedom of Information (Scotland) Act 2002**  
**S.21(5) Review Notice**

I refer to your request for review dated 28<sup>th</sup> November in relation to your original request dated 10<sup>th</sup> October.

I have undertaken a review of your case and can now confirm my decision and reasons. For ease of reference, I have set out below your request, our response and my review response, with the reasons for that.

**Request, our original response and our review response**

**1. Internal Briefings and Options Appraisals**

**All internal briefings, reports, presentations or options appraisals prepared for or shared with:**

- the Director of Education,
- elected members of Falkirk Council, or
- the Education Executive,

**concerning the rationale, risk assessment or legal/policy justification for replacing the 15 Primary Enhanced Provisions with a universal model of “enhanced support”.**

***Our original response***

- [Proposal to Consult on ‘Enhanced Provision in Falkirk Primary Schools’ - Falkirk Committee Information - 21 August 2025](#)

***Review response***

I have reviewed our records and can confirm that, aside from the publicly available Committee Report of 21 August 2025, no additional internal briefings, reports, presentations, or options appraisals were prepared for or shared with the Director of Education, elected members, or the Education Executive regarding the rationale, risk assessment, or legal/policy justification for the proposed model. The Committee Report itself reflects the analysis and considerations undertaken by officers. No separate or supplementary internal documents exist beyond those already disclosed.

**2. Financial and Workforce Impact Assessments**

**Any financial, staffing or resourcing impact assessments produced between 1 October 2024 and 21 August 2025, including:**

- redistribution of ASN staffing and budgets across schools;
- projected savings or additional costs (transport, training, capital works, HR); and
- any risk or redeployment analysis prepared under the Local Government (Scotland) Act 1973 or relevant employment law.

***Our original response***

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

## **Review response**

I can confirm that no separate financial, staffing, or resourcing impact assessments were produced between 1 October 2024 and 21 August 2025, including those relating to ASN staffing, budgets, projected savings, or redeployment analysis. The statements within the Committee Report are based on officer knowledge, experience, and ongoing operational data, but no formal written assessments or reports were created or held by the Council during this period. Section 17 of FOISA (Information not held) therefore applies.

## **3. Statutory and Related Impact Assessments**

**Copies (including drafts) of all impact or compliance assessments undertaken or commissioned in connection with this proposal, including but not limited to:**

- a) Equality and Poverty Impact Assessment (EPIA) – required under Section 149 Equality Act 2010 and the Specific Duties (Scotland) Regulations 2012.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies. An initial EPIA was undertaken to determine whether we need to complete a full EPIA after consultation. A full EPIA will be completed following the closed consultation and will be made available to the public and elected members ahead of a further committee meeting. No final date has been determined yet.

- b) Fairer Scotland Duty assessment – required under Section 1 Equality Act 2010 (as commenced by the Fairer Scotland Duty Regulations 2018\*).**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

- c) Child Rights and Wellbeing Impact Assessment (CRWIA) – demonstrating due regard to children's rights under Sections 2–4 UNCRC (Incorporation) (Scotland) Act 2024.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies. Consideration of a CRWIA will be undertaken alongside the completion of the full EPIA as noted above.

- d) Any UNCRC compliance paper or analysis addressing Articles 2, 3, 12, 23 and 28 UNCRC.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

- e) Educational Benefits Statement / Educational Impact Assessment – required under Section 3 Schools (Consultation) (Scotland) Act 2010.**

[Proposal to Consult on 'Enhanced Provision in Falkirk Primary Schools' - Falkirk Committee Information - 21 August 2025](#)

This information is available in the committee paper above. It will be completed further ahead of the final report next year.

- f) Environmental or Sustainability Impact Assessment – including any screening determination under the Environmental Assessment (Scotland) Act 2005.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

**g) Workforce or HR Impact Assessment – undertaken under Council HR policy and collective consultation duties.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

**h) Legal or Compliance Risk Assessment – addressing statutory obligations under the Education (Additional Support for Learning) (Scotland) Act 2004, Education (Scotland) Act 1980, Equality Act 2010 and UNCRC (Incorporation) (Scotland) Act 2024.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

**i) Integrated Impact Assessment (IIA) – or equivalent internal template combining the above duties.**

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

***Our original response***

Our responses are noted below points a) to i).

***Review response***

I have reconsidered the original response and confirm that the position remains unchanged for points b) to i).

In regard to point a):

Falkirk Council's process for completing EPIAs requires the Initial EPIA to be completed first. This acts as a prompt for undertaking a Full EPIA. Only one question is asked in the initial EPIA – whether the proposal impacts people. Generally, where the answer is 'yes', a Full EPIA is then required to be completed. The completion of a Full EPIA on any proposal is carried out as a finalised proposal is being developed following consultation & engagement with stakeholders and will be published ahead of the next committee meeting.

As part of this review, we are now including a copy of the initial EPIA for your reference and apologise for not providing this in our initial response.

**4. External and Inter-Agency Correspondence**

**All correspondence (emails, memos, meeting notes or minutes) between Falkirk Council Education Services and:**

- Education Scotland, or
- the Scottish Government Learning Directorate,

**relating to this proposal, the statutory consultation process, or the Council's duties under the UNCRC (Incorporation) (Scotland) Act 2024, Equality Act 2010 and ASL Act 2004.**

***Our original response***

See attached email correspondence between Falkirk Council and Education Scotland in relation to this proposal.

### **Review response**

All correspondence held between Falkirk Council Education Services and Education Scotland relating to this proposal has been provided. No correspondence is held with the Scottish Government Learning Directorate regarding this proposal. Section 17 of FOISA (Information not held) applies to any further correspondence.

### **5. Confirmation of Legal Advice Sought**

**Please confirm whether Falkirk Council sought internal or external legal advice in relation to this proposal's compliance with:**

- the UNCRC (Incorporation) (Scotland) Act 2024;
- the Schools (Consultation) (Scotland) Act 2010;
- the Equality Act 2010; and
- the Education (Additional Support for Learning) (Scotland) Act 2004.

**For each instance, please state only:**

- the date(s) the advice was requested or received;
- whether it was internal (Council Legal Services) or external solicitor / counsel; and
- the title or reference of any document or meeting minute recording that advice.

**I am not requesting the content of any privileged legal advice, only confirmation that it exists and the dates/sources for transparency purposes.**

### ***Our original response***

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies. Internal legal advice was sought as part of daily work, and no minutes or documents were recorded in relation to the proposal.

### **Review response**

I can confirm that no formal written legal advice (internal or external) was requested or received in relation to this proposal's compliance with the listed legislation. While officers may have sought informal advice as part of routine duties, no records, minutes, or documents were created or are held. Section 17 of FOISA (Information not held) applies.

### **6. Risk Registers and Communications Planning**

**Any risk register, consultation risk log, or internal communications plan produced in relation to this proposal, including stakeholder analysis, equality risks and mitigation strategies.**

### ***Our original response***

We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

The statutory consultation process itself is being used to gather stakeholder views, identify any further risks and impacts, and inform a comprehensive Consultation Report for elected members, which will set out the findings and proposed next steps.

## **Review response**

No formal risk register, consultation risk log, or internal communications plan has been produced or is held in relation to this proposal. The Committee Report reflects officer consideration of risks and the importance of communication, but no separate documents exist. The statutory consultation process is being used to gather stakeholder views and inform the final Consultation Report.

Please refer to the enclosed leaflet which explains your right to complain about the handling of your case and/or the decision made.

If you would like to know how we treat your personal information, you can read more on the Council's privacy webpage - <https://www.falkirk.gov.uk/privacy>.

Yours sincerely,

{redacted}

Our Ref: 756101492/EDU

## **Freedom of Information (Scotland) Act 2002**

**Reference - 756508367**

### **Initial EPIA for reviewing 'enhanced provision in Falkirk Council schools' model Request:**

**On 21st August 2025, Jon Reid stated in Agenda Item 6 of the committee "An initial Equality and Poverty Impact Assessment was completed, indicating a full assessment is required. As part of this full EPIA, it will be considered if a CWRIA needs to be undertaken as well. This EPIA has been drafted and will be completed following the planned consultation, taking on board the findings from this work."**

**Please may I have a copy of this initial EPIA as it existed on the day of that meeting. It has been stated publicly that it was done, and therefore it should be made available publicly.**

**To clarify - I am NOT looking for the final, post-consultation EPIA, only the initial EPIA that Jon Reid referred to having already been done in his capacity as Director of Education representing Falkirk Council. His professional actions here have been to publicly declare in writing that the report exists, and it should be produced as evidence of the initial assessment of equality and poverty impact.**

**Response:**

Please find attached a copy of the completed Initial EPIA. Please note, Falkirk Council's process for completing EPIAs requires the Initial EPIA to be completed first. This acts as a prompt for undertaking a Full EPIA. Therefore, and as you will see from the attached information, only one question is asked – whether the proposal impacts people.

Generally, where the answer is 'yes', a Full EPIA is then required to be completed. The completion of a Full EPIA on any proposal is carried out as a finalised proposal is being developed following consultation & engagement with stakeholders.

This process has been used by the Council for a number of years. It is currently being reviewed in light of recent legislative changes – most notably the UNCRC Incorporation Act and the introduction of Children Rights & Wellbeing Assessments. There is no confirmed timescale for the implementation of any changes to the process or our online EPIA system.

Enquiries to: [redacted]  
Email: [redacted]  
Date: 19<sup>th</sup> December 2025

Dear [redacted],

**Freedom of Information (Scotland) Act 2002**  
**S.21(5) Review Notice**

I refer to your request for review dated 27<sup>th</sup> November in relation to your original request dated 4<sup>th</sup> November.

I have undertaken a review of your case and can now confirm my decision and reasons. For ease of reference, I have set out below your request, our response and my review response, with the reasons for that.

**Initial request and our response**

**1. All consultation responses submitted via Participate+, including:**

- **Full quantitative data/results**
- **Full qualitative responses (open comments, free-text submissions)**

***Our response***

We hold information in relation to this part of your request. The consultation responses are currently being reviewed as part of the analysis process. A report summarising consultation findings will be presented to the relevant committee and published for public access ahead of that meeting.

***Exemption – prejudice to the effective conduct of public affairs***

Section 30(c) of FOISA provides that information is exempt from disclosure if it would substantially prejudice, or be likely to substantially, prejudice the effective conduct of public affairs. It is our view that disclosure at this stage of full quantitative and qualitative data/responses would be premature and could prejudice the integrity of the decision-making process. The consultation responses require analysis at our end before being presented to elected members as part of the decision-making process.

To release information into the public domain at this stage might well impact the integrity of the process.

**Public Interest Test**

Section 30(c) is not an absolute exemption and is subject to the public interest test. We are required to balance the public interest in disclosure against the public interest in maintaining the exemption. While there is a public interest in transparency, our view is that this is outweighed by the need to protect the integrity of the consultation and subsequent decision-making process. Disclosure at this point would risk misinterpretation of data which might prejudice confidence in the process.

***Exemption – third party personal data***

Additionally, the responses may contain information that makes individuals identifiable. Under Section 38(1)(b) of FOISA, we are unable to disclose information that would identify individuals, if this would be in contravention of the data protection principles.

Our view is that consultation responses have been made confidentially, with no expectation from respondents that their responses would be made available in full to the public by way of an information request. Whilst we would not release any names or contact details, it may well be that there are details within responses that would enable individuals to be identifiable by those who know something of their personal circumstances. We do not consider it fair and reasonable to release individual responses. Section 38(1)(b) provides an absolute exemption from disclosure and there is no need for us to consider the public interest test.

*Exemption - Potential for request to be subject to fees notice or to be refused on the basis of excessive cost of compliance*

Given our reliance on the section 30 and 38 exemptions, we have not estimated how much it would cost to collate and redact responses. However, given the number of responses, we would also highlight at this stage, that were we required to provide the information, it might be subject to a fees notice or an outright refusal on grounds of cost.

**2. All direct communications submitted as part of the consultation, including but not limited to:**

- **Emails**
- **Letters**
- **Written submissions or representations from individuals, schools, organisations or advocacy groups**

***Our response***

We hold information in relation to this part of your request. The communications received are currently being reviewed as part of the analysis process. Disclosure at this stage would be premature and could prejudice the integrity of the decision-making process.

*Exemption – prejudice to the effective conduct of public affairs*

Section 30(c) of FOISA provides that information is exempt from disclosure if it would substantially prejudice, or be likely to substantially, prejudice the effective conduct of public affairs.

It is our view that disclosure of direct communications submitted as part of the consultation would be premature and could prejudice the integrity of the decision-making process. The consultation responses require analysis at our end before being presented to elected members as part of the decision-making process. To release information into the public domain at this stage might well impact the integrity of the process.

**Public Interest Test**

Section 30(c) is not an absolute exemption and is subject to the public interest test. We are required to balance the public interest in disclosure against the public interest in maintaining the exemption. While there is a public interest in transparency, our view is that this is outweighed by the need to protect the integrity of the consultation and subsequent decision-making process. Disclosure at this point would risk misinterpretation of data which might prejudice confidence in the process.

*Exemption – third party personal data*

Additionally, the responses may contain information that makes individuals identifiable. Under Section 38(1)(b) of FOISA, we are unable to disclose information that would identify individuals, if this would be in contravention of the data protection principles.

Our view is that communications have been made confidentially, with no expectation from respondents that their contact would be made available in full to the public by way of an information request. Whilst we would not release any names or contact details, it may well be that there are details within responses that would enable individuals to be identifiable by those who know something of their personal circumstances. We do not consider it fair and reasonable to release individual responses. Section 38(1)(b) provides an absolute exemption from disclosure and there is no need for us to consider the public interest test.

*Exemption - Potential for request to be subject to fees notice or to be refused on the basis of excessive cost of compliance*

Given our reliance on the section 30 and 38 exemptions, we have not estimated how much it would cost to collate and redact responses. However, given the number of responses, we would also highlight at this stage, that were we required to provide the information, it might be subject to a fees notice or an outright refusal on grounds of cost.

**3. All internal or external analysis of consultation responses, whether if draft or final form, including:**

- **Summaries**
- **Reports**
- **Recommendations**
- **Interim and final findings compiled during or following the consultation period**

***Our response***

Draft analysis and working documents are in progress but not finalised. Disclosure at this stage would be likely to inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation, as the consultation findings are still being considered and recommendations are being developed for committee.

*Exemption – Free and frank provision of advice and exchange of views*

Section 30(b)(i) and (ii) of FOISA provides that information is exempt from disclosure where release would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation. In this case, disclosure of draft or interim analysis would risk undermining the decision-making process by discouraging candid discussion and advice. Officials and stakeholders must be able to exchange views openly during the development of recommendations. Premature release could lead to external pressure or misinterpretation of incomplete findings, which would substantially prejudice the integrity of the process.

**Public Interest Test**

Section 30(b) (i) and (ii) are not absolute exemptions and are subject to the public interest test. We are required to balance the public interest in disclosure against the public interest in maintaining the exemption. While there is a public interest in transparency, our view is that this is outweighed by the need to protect the integrity of the consultation and subsequent decision-making process. Disclosure at this point would risk misinterpretation of incomplete data and inhibit candid discussion, which could prejudice confidence in the process and the quality of advice provided.

**4. All findings, observations and records from public consultation meetings (both online and in-person), including:**

- **Minutes**
- **Notes**
- **Transcripts or recordings**
- **Attendance statistics**
- **Action points resulting from those meetings**

### ***Our response***

We hold information in relation to this part of your request. The findings, observations and records from public consultation meetings are currently being reviewed as part of the analysis process. Disclosure at this stage would be premature and could prejudice the integrity of the decision-making process.

#### *Exemption – prejudice to the effective conduct of public affairs*

Section 30(c) of FOISA provides that information is exempt from disclosure if it would substantially prejudice, or be likely to substantially, prejudice the effective conduct of public affairs. These materials require internal analysis before being presented to elected members as part of the decision-making process. Releasing this information into the public domain at this stage could compromise the integrity of the process by influencing deliberations or creating external pressure before the analysis is complete.

#### **Public Interest Test**

Section 30(c) is not an absolute exemption and is subject to the public interest test. We are required to balance the public interest in disclosure against the public interest in maintaining the exemption.

While there is a public interest in transparency, our view is that this is outweighed by the need to protect the integrity of the consultation and subsequent decision-making process. Disclosure at this point would risk misinterpretation of data which might prejudice confidence in the process.

#### **Review response**

Your email of 27<sup>th</sup> November set out your grounds for review and relevant SIC decisions in a way which I consider applies to our request as a whole rather than by specific reference to numbers 1, 2 and 4 of your request. I have considered your points and the relevant SIC decisions. While I acknowledge the principle that information should be disclosed where possible, I remain satisfied that the original decision was sound although we should have provided greater clarity about what was held in relation to number 4 of your request about consultation meetings.

In relation to meetings, we hold audio recordings, transcripts, attendance statistics and a note of representations made at the meetings, as required by statutory guidance. The audio recordings and transcripts were generated solely for the purposes of producing the note (and compiling responses to any questions raised) and those in attendance were made aware of that.

Transcripts are retained only for the time required to create accurate summary notes and are then deleted.

Before dealing with your grounds for review, I would like to start with a general point. The consultation process has been undertaken in line with statutory guidance and the Council's own engagement framework. We commit to sharing the result of any engagement and explaining how this is used to inform decisions. However, we do not commit to publishing all engagement responses as we consider that would make people less likely to engage or to be less open in their responses.

Linked to this, those who participate in consultation meetings and/or who respond to consultations online or directly, generally do so with an expectation that the Council will keep their individual participation response confidential and would not release that without good reason. To fail to do that would make stakeholders less inclined to participate in the process. Of course, it is always open to individuals to share their responses publicly, but the Council would not do that without very good cause.

We have a privacy notice in place for community engagement.

### ***Use of section 30(c) – substantial prejudice to the effective conduct of public affairs***

The consultation responses (whether received directly or via Participate+) alongside the information gathered at consultation meetings are information which will be analysed and then used to inform recommendations to elected members. As stated above, the Council gathers that material on the basis that those participating do so with an expectation of confidentiality. We would be really concerned about being able to conduct effective participation exercises where we forced to disclose every single response received or to release recordings/transcripts of meetings. There is a real risk that disclosure of this would undermine the consultation process and inhibit our ability to seek views and, accordingly, would be likely to substantially prejudice the effective conduct of public affairs.

In addition to this, disclosure of the information at this stage would risk undermining the integrity of the consultation and decision-making process by risking misinterpretation before analysis is complete. This is not speculative - the responses are complex and require contextual interpretation to avoid misleading conclusions.

I have considered SIC *Decision 199/2010* and *001/2015* which emphasise that authorities must show real and substantial prejudice. In this case, the complexity and sensitivity of responses, combined with ongoing analysis and drafting, meet that threshold. My view is that it is therefore appropriate to withhold individual consultation responses/communications and recordings/transcripts of meetings on the basis of section 30(c).

### ***Use of section 27(1) – Information intended for future publication***

Summary notes were produced for each session, informed by meeting transcripts. This approach aligns with the format requested by Education Scotland.

Attendees were advised in advance that meetings would be recorded and that transcripts would be used to produce accurate summary notes. These summary notes will be made publicly available on the council's website once published.

Under Section 27(1) of the Freedom of Information (Scotland) Act 2002, we are applying the exemption for information intended for future publication. The summary notes for these meetings are scheduled for publication within the next 12 weeks, on 29th January 2026.

### ***Public interest test for Section 30(c) and 27(1)***

Section 30(c) and 27(1) are, as you know, subject to the public interest test. Where I consider the section provides an exemption, I still need to consider whether the public interest favours maintaining that exemption or releasing the information.

The reasons for maintaining the exemption are in line with the reasons for stating that section 30(c) applies:

- Consultation is done with an expectation that responses/comments (whether made in person, by correspondence or via surveys) will be kept confidential for the specific purpose they were gathered and not released into the public domain.
- Release of consultation responses into the public domain risks undermining the integrity of future consultation responses.
- Analysis is necessary to collate the consultation responses to draw out themes and concerns and then bring these into a format which will help inform the decision-making process. Release of the raw information might well undermine that process, given the risks around information being mis-interpreted and widely shared.

The reasons for not maintaining the exemption and releasing the information are:

- There is a public interest in members of the public being able to see all the information gathered as part of the consultation process.

Having considered the above, my view is that the public interest in maintaining the integrity of confidential responses and decision-making outweighs the interest in disclosure of the information. The Council intends to publish a full report summarising the findings of the consultation, which will meet the transparency objective without compromising the process. The above public interest test also applies for Section 27(1).

### **Use of section 38(1)(b) - third party personal data**

As well as the section 30 (c) exemption, we relied in part on the section 38(1)(b) exemption to withhold information. This was on the basis that, even though it would be possible to go through all the information and redact information from which we considered individuals might be identified, there was still a risk that individuals could be identified from what they said (e.g. in meetings, in free text boxes in responses).

In particular, in relation to Participate+, although responses are designed to be anonymous, free-text responses often contain contextual details that could identify individuals when combined with other knowledge. Redaction would require detailed review of hundreds of responses, which would be disproportionate and may still leave residual risk. I note that *S/C Decision 085/2009* requires consideration of redaction. I have re-considered our position on this, but I have concluded that anonymisation would require extensive review of hundreds of free-text responses, with residual risk of identification. This would be disproportionate and might still breach data protection principles.

Please refer to the enclosed leaflet which explains your right to complain about the handling of your case and/or the decision made.

If you would like to know how we treat your personal information, you can read more on the Council's privacy webpage - <https://www.falkirk.gov.uk/privacy>

Yours sincerely,

[redacted]

Our Ref: 762540271/EDU

## **Freedom of Information (Scotland) Act 2002**

**Reference - 762912066**

**Education Scotland minutes of meetings**

### **Request:**

**I want to formally request the following from the council's proposed changes to the enhanced provision model. All the minutes from the meetings which they held and have submitted to Education Scotland. The meeting dates were as follows:**

- **1st October 2025**
- **30th September 2025**
- **25th September 2025**
- **23rd September 2025**
- **17th September 2025**
- **16th September 2025**

### **Response:**

You requested minutes of the public meetings held regarding the council's proposed changes to the enhanced provision model. These meetings were not formally minuted; however, summary notes were produced for each session, informed by meeting transcripts. This approach aligns with the format requested by Education Scotland.

Attendees were advised in advance that meetings would be recorded and that transcripts would be used to produce accurate summary notes. These summary notes will be made publicly available on the council's website once published.

Under Section 27(1) of the Freedom of Information (Scotland) Act 2002, we are applying the exemption for information intended for future publication. The summary notes for these meetings, informed by the transcripts, are scheduled for publication within the next 12 weeks, on 29th January 2026.

### **Public Interest Test**

We have considered the test and concluded that, while there is a public interest in early disclosure to promote transparency and accountability, this is outweighed by the public interest in ensuring the information is accurate, complete, and published in a consistent format as requested by Education Scotland. Early release could lead to confusion or misinterpretation before the official publication process is complete. Therefore, the exemption is upheld.

## **Freedom of Information (Scotland) Act 2002**

**Reference - 764840612**

**Evidence and Supporting Information for “Enhanced Provision in Falkirk Primary Schools” Proposal**

### **Request:**

**Under the Freedom of Information (Scotland) Act 2002, I request copies of all information held by Falkirk Council that was used to inform, evidence, or support the report and proposal paper entitled “*Proposal to Consult on Enhanced Provision in Falkirk Primary Schools*” (Agenda Item 6, Executive Meeting, 21 August 2025).**

**Specifically, I request:**

**Data and Analysis on Additional Support Needs (ASN)**

1. **The full dataset underpinning the ASN figures cited in section 4.1 (percentages of primary pupils with identified ASN, 2020/21–2024/25), including:**
  - **Source datasets from SEEMiS or equivalent systems;**
  - **Any analysis or commentary showing trends, projections, or comparisons with national data;**
  - **Correspondence or working notes explaining data validation or limitations.**
2. **Any analysis or report quantifying or mapping geographical distribution of ASN needs across Falkirk schools.**
3. **Any documentation identifying the number, type, and severity of ASN needs (e.g., autism spectrum disorder, speech and language needs, social/emotional/behavioural support) used to justify redistribution of resources.**

Response:

1. ASN figures included in section 4.1 are taken from the annual pupil census carried out each September. The first link provides all information from the census relating to pupil characteristics across Scotland going back to 2010 (bullet point 1), while the second link provides published data (bullet point 2). Finally, the third link provides information regarding data specifications / privacy notices etc.
  - [School education statistics - gov.scot](#)
  - [Pupil census supplementary statistics - gov.scot](#)
  - [School education statistics - gov.scot](#)

Section 25 applies – the information is already accessible other than by making an FOI request.

2. We do not carry out any geographical analysis of ASN across the authority beyond tracking ASN figures across / within schools. We do not therefore hold any information in response to this part of your request. Section 17 of FOISA applies – information not held.
3. Pupil census supplementary statistics files provide breakdowns of the reasons for support for pupils with Additional Support Needs by sector & Local Authority. See for example below link to 2024 data, tables 6.11, 7.6 & 8.7. (2025 data not published until March 26)

[Pupil census supplementary statistics - gov.scot](#)

Section 25 applies – the information is already accessible other than by making an FOI request.

Please see further table below showing the percentage of pupils at each staged intervention level across ASN, Primary and Secondary.

<b>Staged Intervention</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Grand Total</b>
ASN	7.07%	0.00%	0.00%	1.01%	91.92%	<b>100.00%</b>
Primary (including	73.03%	6.46%	13.36%	5.67%	1.48%	<b>100.00%</b>
Secondary	67.18%	10.85%	15.47%	4.95%	1.55%	<b>100.00%</b>
Authority Total	69.71%	8.43%	14.21%	5.29%	2.36%	<b>100.00%</b>

### **Evidence Base for “Informal Enhanced Provisions” (69% of schools claim)**

- 1. The original data collection, survey, or correspondence that established that “69% of Falkirk primary schools have established their own informal versions of Enhanced Provision.”**
- 2. Notes, summaries, or feedback from schools evidencing the “clear benefits for pupils” (section 4.15), including improvement metrics or qualitative feedback.**
- 3. Internal discussions or briefings assessing whether such data represents a statistically valid or evidence-based foundation for policy change.**

Response:

1. Please see attached document – Map of current and ‘shadow’ EPs.
2. Section 36(2) of the Freedom of Information (Scotland) Act 2002 applies – disclosure would constitute an actionable breach of confidence. Some of the feedback was provided by schools on the understanding that it would be used internally to inform policy development and not shared publicly. Disclosure without consent would breach that confidence and could damage trust and future engagement. Section 30(b)(i) also applies – disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice and views. The information consists of informal feedback and working notes shared to support internal policy development. Releasing this material could discourage schools and officers from providing candid input in future, reducing the quality of decision-making. We have considered the public interest test for Section 30(b)(i). While transparency is important, there is a strong public interest in protecting the integrity of internal discussions and ensuring that stakeholders can share views openly. On balance, the public interest favours maintaining the exemption.
3. We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (information not held) applies. We do not hold minutes or notes from these discussions.

### **Educational Benefits Statement and Comparative Models**

1. **All drafts and final versions of the Educational Benefits Statement prepared for this proposal (Appendix 1, section 3).**
2. **Any internal or external educational impact analysis or risk assessment exploring the potential impact of devolving enhanced support on:**
  - Pupils with complex ASN currently placed in Enhanced Provision;**
  - Transitions for pupils returning to mainstream;**
  - Attainment, inclusion, and wellbeing outcomes.**

3. Any supporting or comparative evidence from other local authorities (e.g. Aberdeenshire or others) relied upon to justify the proposed model, including internal emails, reports, or meeting notes discussing their outcomes or data.

Response:

1. This information is available within final proposal and consultation papers given to Elected Members, and located on the Council's website [here](#). Section 25 applies – the information is already accessible other than by making an FOI request.
2. See Q1 response.
3. The Council has carefully considered your request and applied the relevant provisions of the Freedom of Information (Scotland) Act 2002. Where exemptions apply, we have explained the reasons and, where required, carried out the public interest test.

#### Section 36(2) – Confidentiality

Section 36(2) of the Freedom of Information (Scotland) Act 2002 applies – disclosure would constitute an actionable breach of confidence. The information includes material provided by other local authorities in confidence and internal discussions based on that material. Disclosure without consent would breach that confidence and could lead to legal action. This exemption is absolute and is not subject to the public interest test

#### Section 30(c) – Prejudice to Effective Conduct of Public Affairs

We also consider Section 30(c) applies – disclosure would, or would be likely to, prejudice substantially the effective conduct of public affairs. Releasing this information could damage relationships with other authorities, discourage future sharing of comparative data, and undermine collaborative policy development.

We have applied the public interest test and concluded that, while transparency is important, the public interest in maintaining effective inter-authority cooperation and protecting the integrity of policy-making outweighs the interest in disclosure at this stage.

#### Equality, Poverty, and Children's Rights Impact Assessments

1. The initial EPIA referred to in sections 7.8 – 7.9 of the Committee Paper and Appendix 1, including:
  - Draft and final versions;
  - Evidence sources used (quantitative and qualitative);
  - Any internal correspondence discussing timing, completion, or findings.
2. Any assessments or scoping of whether a Child's Rights and Wellbeing Impact Assessment (CRWIA) was required, and correspondence or notes of the decision.
3. Any communications between Education officers, Legal Services, or the Equalities team concerning compliance with:
  - Equality Act 2010 (Public Sector Equality Duty);
  - Fairer Scotland Duty;
  - UNCRC (Incorporation) (Scotland) Act 2024 obligations.
  - Any other discussion relating the Enhanced Provision consultation

Response:

1. Please find attached a copy of the completed Initial EPIA. Please note, Falkirk Council's process for completing EPIAs requires the Initial EPIA to be completed first. This acts as a prompt for undertaking a Full EPIA. Therefore, and as you will see from the attached information, only one question is asked – whether the proposal impacts people. Generally, where the answer is 'yes', a Full EPIA is then required to be completed. The completion of a Full EPIA on any proposal is carried out as a finalised proposal is being developed following consultation & engagement with stakeholders.

This process has been used by the Council for a number of years. It is currently being reviewed in light of recent legislative changes – most notably the UNCRC Incorporation Act and the introduction of Children Rights & Wellbeing Assessments. There is no confirmed timescale for the implementation of any changes to the process or our online EPIA system.

2. We do not hold any recorded information in response to this part of your request – section 17 of FOISA (Information not held) applies. A CRWIA will be completed as part of the final consultation report, however this is not a legal requirement.
3. The Council has carefully considered your request and applied the relevant provisions of the Freedom of Information (Scotland) Act 2002. Where exemptions apply, we have explained the reasons and, where required, carried out the public interest test.

Legal Advice

Section 36(1) of the Freedom of Information (Scotland) Act 2002 applies – the information is subject to legal advice privilege. The communications requested include advice provided by or to legal advisers in confidence. Disclosure would breach that confidentiality and undermine the ability of the Council to obtain and rely on frank legal advice.

We have considered the public interest in disclosure against the public interest in maintaining the exemption. While transparency is important, there is a strong public interest in ensuring that authorities can seek and receive candid legal advice without risk of disclosure. On balance, the public interest favours maintaining the exemption.

Equalities advice

Section 30(b)(i) of the Freedom of Information (Scotland) Act 2002 applies – disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. The information requested relates to internal advice on equities and options considered prior to the statutory consultation. Releasing this advice at this stage could discourage officers from providing full and candid views in future, reducing the quality of decision-making.

We have applied the public interest test and concluded that, while openness is important, the public interest in protecting the integrity of internal deliberations and ensuring robust advice outweighs the interest in disclosure at this time.

Financial, Resource, and Workforce Planning

1. **All financial modelling, cost-benefit analysis, or resource redistribution plans used to support the assertion that the model is “sustainable and cost-effective” (sections 5.3, 8.3).**

- 2. Any documents or correspondence assessing potential redundancies, redeployments, or changes to staffing ratios.**
- 3. Any projections or internal papers on transport cost savings or environmental impact modelling.**

Response:

1. This information is available within final proposal and consultation papers given to Elected Members, and located on the Council's website [here](#). Section 25 applies – the information is already accessible other than by making an FOI request.
2. We do not hold any recorded information in response to this part of your request – section 17 of FOISA (information not held) applies.
3. We do not hold any recorded information in response to this part of your request – section 17 of FOISA (information not held) applies.

### **Consultation Planning and Governance**

- 1. The project plan or internal communications detailing the design, scope, and management of the statutory consultation (including steering group membership, decision-making governance, and approval timelines).**
- 2. Draft consultation materials (before publication), including versions reviewed by Legal Services and Education Scotland.**
- 3. Any correspondence with Education Scotland regarding their role, guidance, or involvement in reviewing the proposal.**

Response:

1. We hold information in relation to this part of your request. Disclosure at this stage would be premature and could prejudice the integrity of the decision-making process.

### ***Exemption – prejudice to the effective conduct of public affairs***

Section 30(c) of FOISA provides that information is exempt from disclosure if it would substantially prejudice, or be likely to substantially, prejudice the effective conduct of public affairs. It is our view that the disclosure of this information would be premature and could prejudice the integrity of the decision-making process. To release information into the public domain at this stage might well impact the integrity of the process.

### **Public Interest Test**

Section 30(c) is not an absolute exemption and is subject to the public interest test. We are required to balance the public interest in disclosure against the public interest in maintaining the exemption.

While there is a public interest in transparency, our view is that this is outweighed by the need to protect the integrity of the consultation and subsequent decision-making process. Disclosure at this point would risk misinterpretation of information which might prejudice confidence in the process.

2. See Q1 response.
3. Please see attached PDF: Emails between FC and Education Scotland Redacted.

### **Alternative Models and Options Appraisal**

- 1. All documents and assessments evaluating or modelling the three options described in section 5.1 (Maintain current model; Expand provisions; Universal model).**
- 2. Internal or external reports comparing potential educational, financial, and equality impacts of each option.**
- 3. Any internal meeting minutes, briefing papers, or communications showing why options 5.1.1 and 5.1.2 were discounted.**

Response:

1. This information is available within the final proposal and consultation papers given to Elected Members. A link to this information is on the Council's website [here](#). Section 25 applies – the information is already accessible other than by making an FOI request.
2. We do not hold any recorded information in response to this part of your request – section 17 of FOISA (information not held) applies.
3. This information is available within the final proposal and consultation papers given to Elected Members. A link to this information is on the Council's website [here](#). Section 25 applies – the information is already accessible other than by making an FOI request.

### **Monitoring, Evaluation, and Risk Management**

- 1. Any risk registers, mitigation plans, or monitoring frameworks relating to implementation of the proposed model.**
- 2. Drafts or templates of how pupil outcomes, wellbeing, or inclusion will be measured post-implementation.**
- 3. Any communications referencing potential negative impacts, such as:**
  - **Risk of unmet needs,**
  - **Staff capacity concerns,**
  - **Loss of specialist expertise, or**
  - **Reputational or legal risks.**

Response:

1. We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (information not held) applies. This will be considered as part of the Full EPIA.
2. We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.
3. We do not hold any recorded information in response to this part of your request – Section 17 of FOISA (Information not held) applies.

## **Stakeholder Engagement Prior to the Formal Consultation**

- 1. Records, minutes, or notes from meetings held with headteachers, parent councils, or trade unions about the Enhanced Provision Review (October 2024 – July 2025).**
- 2. Survey results, feedback summaries, or qualitative analysis gathered during the ASL Review that informed this proposal.**
- 3. All internal communications summarising stakeholder sentiment or concerns ahead of the statutory consultation.**
- 4. Any data or information utilised from previous consultations or similar exercises e.g. ASL review, previous Pupil Voice, etc.**

Response:

1. There was no enhanced provision review. Section 17 applies – no information held. The report from the Director of Education to the Executive dated 21 August 2025 seeks approval to consult on a recommended alternative to the current model. There was no enhanced provision review prior to that.
2. Our initial findings are available here: <https://participateplus.falkirk.gov.uk/en-GB/projects/parental-engagement-asl>. Section 25 applies – the information is already accessible other than by making an FOI request.
3. We did not gather information to summarise stakeholder sentiment prior to the statutory consultation.
4. Section 30(c) of the Freedom of Information (Scotland) Act 2002 applies – disclosure would, or would be likely to, prejudice substantially the effective conduct of public affairs. The ASN Review is ongoing, and the material requested forms part of the working information that will inform the final report. Premature disclosure could undermine the integrity of the review process, lead to misinterpretation of incomplete findings, and adversely affect stakeholder engagement.

We have considered the public interest in disclosure against the public interest in maintaining the exemption and concluded that, at this stage, withholding the information is justified to protect the effectiveness and fairness of the review.

## **Background Papers and Supporting Evidence**

**Although the paper lists “None” under “List of Background Papers,” please provide:**

- 1. Any briefings, data tables, reports, or presentations that officers relied upon when drafting the paper and proposal.**
- 2. Copies of Appendices 1–3 in full (if not already public), including case study evidence in their original format with raw data.**

Response:

1. All relevant documentation was included in the paper for elected members. Section 17 applies – no information held other than the Executive paper.

2. The final proposal and consultation papers, along with appendices 1-3 given to Elected Members are on the Council's website [here](#). Section 25 applies – the information is already accessible other than by making an FOI request.