



**The parents'
guide to
additional
support
for learning**

ENQUIRE

ENQUIRE

Helping you understand additional support for learning

Enquire is the Scottish advice service for additional support for learning. We help parents and carers understand their children's rights to additional support for learning and how to work in partnership with schools and local authorities to ensure their child gets the support they need. We also provide advice on steps to resolving disagreements.

Enquire can help parents and carers by:

- explaining children's rights to additional support for learning
- listening to families' questions and concerns
- advising on the way forward
- signposting to advocacy and family support.

Enquire offers:

- a telephone helpline and online enquiry service
- guides and factsheets
- advice and information for pupils struggling in school through our young people's website **www.reach.scot**

To download our publications, visit our website at **www.enquire.org.uk**.
For news and updates about additional support for learning, visit our blog.

If you are looking for local information about education or support to access education services, visit Enquire's map of services at **www.enquire.org.uk/find-a-service**

For further information contact:

Enquire, Children in Scotland, Level 1, Rosebery House,
9 Haymarket Terrace, Edinburgh, EH12 5EZ

Helpline: **0345 123 2303**
(Access to interpreters through Language Line)
Office: 0131 313 8800
Email: info@enquire.org.uk
Website: **www.enquire.org.uk**

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How to use this guide

Enquire has produced this guide to additional support for learning to help you understand your rights, your child's rights and your local authority's responsibility to your child. We hope you will use the guide as a reference document.

The guide explains what the **Education (Additional Support for Learning) (Scotland) Act 2004, as amended**, (the 'ASL Act'), and the code of practice that accompanies the Act, say about supporting children's learning. It also refers to other relevant legislation. This guide does not, however, cover everything in the ASL Act, nor is it an authoritative interpretation of the legislation or code of practice.

You can get a copy of **Supporting children's learning code of practice** (which contains detailed guidance for practitioners) from the Scottish Government website: www.gov.scot/publications

Rights and responsibilities

The rights and responsibilities in the guide relate to those under the ASL Act, unless otherwise stated. At the end of each chapter the 'At a glance' section highlights the legal rights that you and your child have under this law and the legal responsibilities that local authorities have. Local authorities also have powers that allow them to take specific action but they are not legally obliged to use those powers.

Parent or carer

Throughout the guide we refer to 'you' as the parent of a child who may have additional support needs. The term 'parent' includes anyone who has parental responsibilities under the **Education (Scotland) Act 1980, as amended**, or who has care of a child or maintains a child.

Public and private education

The ASL Act places legal duties on local authorities for children educated in the public education system. These duties apply to children educated in local authority schools, pre-schools, partnership nurseries or an **independent special school** placement funded by the local authority. Children who are educated outside the public education system may be identified as having additional support needs and may receive additional support. If your child is educated outside the public education system, information that is relevant to them is highlighted in each chapter where appropriate.

Home and host authorities

If your child goes to a local authority school in the area where they and you live, they are educated by their 'home authority'. However, if your child goes to a local authority school outside your area, they are educated in a 'host authority'. The reasons for them being educated outside their local area will affect which authority is legally responsible for their education. In each chapter, we highlight information that is relevant to them where appropriate.

Case studies

There are case studies in this guide to illustrate some of the barriers to learning, and the support that children and young people with additional support needs may experience. These scenarios relate to specific information in each chapter and how it may apply in practice.

The photographs used for case studies are of models and no connection is implied between these persons and the content of the guide.

Young people aged 16 or over

Your child has similar rights to you under the ASL Act if they are aged 16 or over. The guide shows where this is relevant. From November 2017 children over the age of 12 will have some of the same rights as over 16s. Find more information on children and young people's rights to support in school on www.reach.scot

You, as a parent, can make decisions for your child aged 16 or over if they do not have the capacity to do so themselves. Refer to the [Adults with Incapacity \(Scotland\) Act 2000](#) for more information about this:
www.gov.scot/Publications/2008/03/25120154/1

Using the Glossary

Where a word is highlighted in a heavier black font (for example, **health visitor**), you will find further information in the Glossary, on page 100.

A summary of additional support for learning



Scottish education law outlines a framework for children to be supported to make sure they benefit from education and reach their full potential.

The **Education (Additional Support for Learning) (Scotland) Act 2004** outlines how to meet the needs of children who require additional support to ensure they can make the most of their education. Amendments were made to this act in 2009, which became law in November 2010.

“The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their fullest potential. It also promotes collaborative working among all those supporting children and young people and sets out parents’ rights within the system.”
(Supporting children’s learning code of practice 2010)

Under this law, any child who needs more or different support to what is normally provided in schools or pre-schools is said to have ‘**additional support needs**’.

Children may need extra help with their education for a wide variety of reasons. A child's education could be affected by issues resulting from:

- social or emotional difficulties
- behavioural difficulties
- having missed a lot of school due to ill-health
- problems at home
- bullying
- being particularly gifted
- a sensory impairment or communication problem
- a physical **disability**
- being a young carer or parent
- moving home frequently
- having English as an additional language.

It is not possible to list all the reasons because it will always depend on the individual child. What is important is that many circumstances may affect children's ability to learn. So support may need to come from health, social work or certain voluntary organisations, as well as from education. Professionals with different areas of expertise should all work together to make sure any support your child gets is properly tailored to their individual needs.

Your child's needs may last a short time, and the problem may be resolved easily. Or their needs might be very complex, and they may require additional support for a number of years.

Whatever your child's needs, everyone involved should try to identify them as early as possible and provide the necessary support in a way that does not make your child feel singled out.

What are additional support needs?

The law says that a child or young person may have additional support needs if they are unable to benefit from their school education without help beyond what is normally given to children or young people of the same age. Your child may need additional support at any time during their school life, from the age of three when they start pre-school education. They may also need additional support to help them prepare for pre-school or school.

Why children may have additional support needs

It is not possible to list all the circumstances that may mean a child needs additional support because every child is different. Circumstances that disrupt one child's learning could have little or no effect on the learning of another.

The following are some examples of situations that may give rise to additional support needs. However, these are a guide only. As a parent, you will know your child better than anyone else and understand when they may be having difficulties.

The learning environment is not appropriate for a child's individual needs

It may be that what is being taught, or the way it is being taught, is not suitable for your child. The materials used may be inaccessible to them. Perhaps the physical environment, e.g. the way the classroom or school is laid out, is not giving your child the best chance of success.

A child who is more able may need a more challenging curriculum in order to make progress. A child whose first language is not English may also need additional support to access the curriculum.

Family circumstances are affecting a child's ability to learn

Children's progress at school is influenced by what is happening at home. If their home life is disrupted in any way, this may affect their ability to benefit from school education. Examples include children who are affected by family breakdown, who are homeless or move home often, who are helping to care for parents or siblings with health problems or disabilities, or who have become parents themselves. All **looked after** children are considered to have additional support needs, unless assessments find that support is not needed.

The child has a disability or health need

Children are likely to need additional support at school if they have motor or sensory impairments (e.g. difficulty with movement or sight), specific language impairments, autistic spectrum disorder, learning or attention difficulties or a debilitating illness. Mental health problems such as depression or eating disorders can also affect children's ability to learn.

A child is experiencing social or emotional problems

Children may also need additional support if they have been bereaved, have missed a lot of school for whatever reason, are being bullied or are bullying, are experiencing racial discrimination or displaying behavioural difficulties. Children who misuse drugs or alcohol are also likely to need support to access education.

Remember the above is not meant to be a complete list - a child may need additional support at any time and for any length of time.

Getting it right for every child

In Scotland a national programme called **Getting it right for every child** (GIRFEC) aims to improve outcomes for all children and young people.

GIRFEC encourages professionals, such as teachers and social workers, to make decisions based on the best relevant information, and helps them intervene early and in the right way if needed.

GIRFEC's approach is reflected in all Government policy documents and initiatives about children and young people. Some parts of the GIRFEC programme are included in the **Children and Young People (Scotland) Act 2014**.

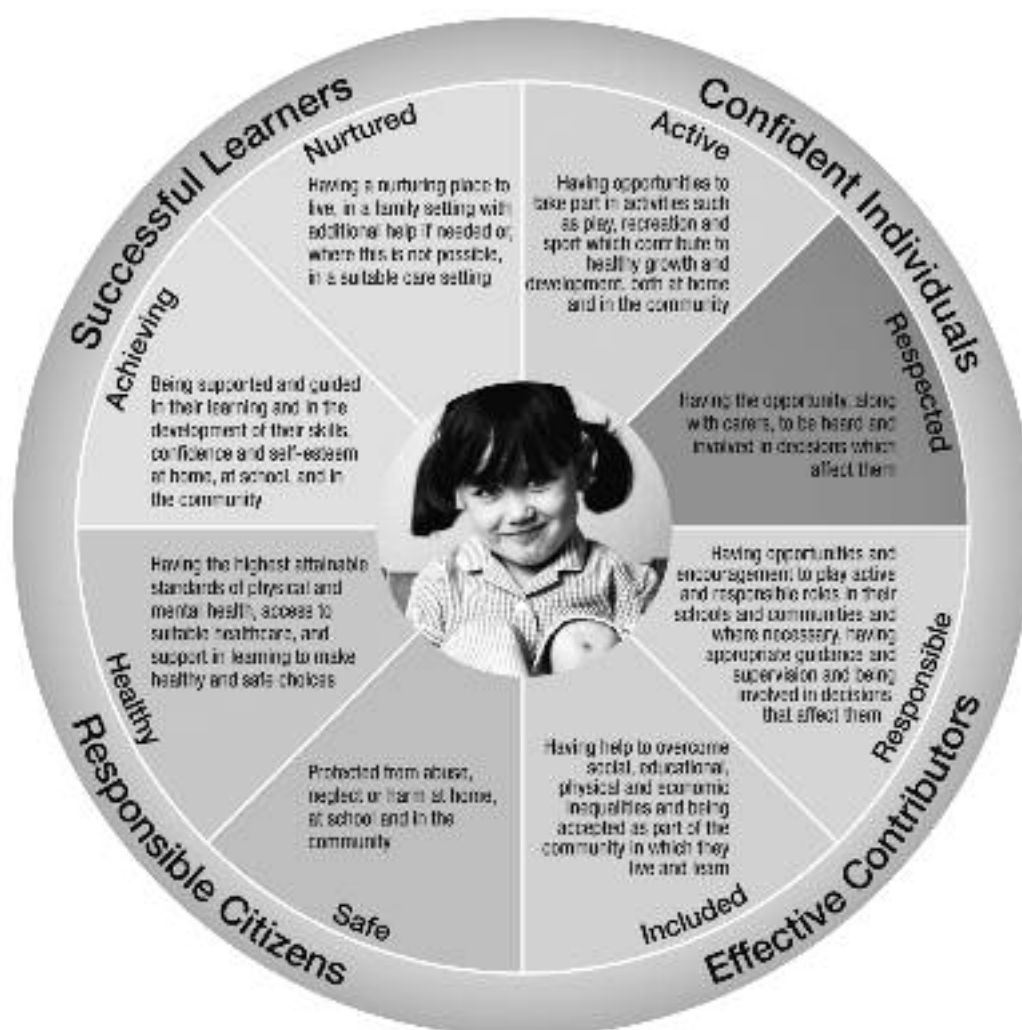
The wellbeing wheel, shown here, has been developed as part of the GIRFEC programme. This shows the main ways in which adults can support children to ensure their overall wellbeing. A child's wellbeing and other outcomes can be assessed against the eight indicators in this wheel: safe, healthy, achieving, nurtured, active, respected, responsible and included. You may hear these called SHANARRI indicators.

For all children and young people to achieve their potential and become successful learners, confident individuals, effective contributors and responsible citizens – the aim of **Curriculum for Excellence** – they must each be helped to do the best they can on these eight indicators.

You can find out more about **Getting it right for every child** on the Scottish Government website: www.gov.scot/gettingitright

You can get information about Curriculum for Excellence from your child's school, Parentzone, Education Scotland and the Scottish Government.

The wellbeing wheel



Reproduced with permission from [Supporting children's learning code of practice](#) (Scottish Government, 2010).

Eligibility for additional support



Eligibility for early learning and childcare – all children

In Scotland, funded early learning and childcare is available in a number of settings:

- ☉ A local authority nursery or pre-school class in a primary school or special school.
- ☉ A private nursery working in partnership with your local authority.
- ☉ A private nursery where your local authority has agreed to pay the fees.
- ☉ A child and family centre.

Some two-year-olds (those who are looked after, have a kinship care order, have a parent-appointed guardian or whose parents receive certain benefits) are entitled to 600 hours a year of early learning and childcare. You can find out if your child qualifies by contacting your local authority. A child who is entitled would start the first term after their second birthday.

All three- and four-year-olds are entitled to a funded part-time (600 hours a year) pre-school education place. They can start the next term after their third birthday. Sometimes a child can start from the date of their third birthday so it is worth asking about this.

Who is eligible for additional support?

If your child is receiving their funded hours (or is about to start pre-school), the following applies:

Children up to the age of three

Your local authority must provide appropriate additional support to help your child's development if they have **additional support needs** due to a **disability**. 'Disability' is defined in the **Equality Act 2010**. See Equality of opportunity, page 96.

The local authority should also provide additional support for two-year-old looked after children receiving their funded hours of early learning and childcare.

The local authority can provide additional support for children under three who have not been diagnosed with a disability but who may benefit from getting additional support early; however, it is not legally obliged to provide that support.

Pre-school children

Your local authority must identify whether your child has additional support needs and, if so, give them the appropriate support.

Enquire has more information in **Factsheet 10: Early learning and childcare**

School-age children

Your local authority must identify whether your child has additional support needs and give them the appropriate support if they:

- attend or are registered with a school run by your authority
- receive education in another local authority school under arrangements made by your own authority
- have been placed at an **independent special school** or **grant-aided school** by your authority.

Your local authority must provide your child with ‘adequate and efficient’ additional support so that they are able to benefit fully from their education. The term ‘adequate and efficient’ is taken from the **Education (Scotland) Act 1980**. The ASL Act focuses on individual provision directed at every child.

The only reasons a local authority might not provide a certain type of support to pre-school or school-age children are if this is outwith its powers, or if it thinks the cost of the support is unreasonably high. This might be the case if:

- the cost of providing the support completely outweighs the benefits to your child
- suitable alternative support is available at a significantly lower cost
- the cost of providing the support, such as building new facilities, would completely outweigh the benefits to the wider community.

Local authorities should always consider whether the cost of providing your child with a certain type of support will benefit other children coming to the school in the future.

Children who are educated outside the home authority

If your local authority makes arrangements for your child to go to a pre-school centre or school run by another authority, or an **independent special school** or **grant-aided school**, your local authority remains responsible for identifying and monitoring the additional support your child needs.

However, if your child attends a pre-school centre or school outside their local area via a **placing request** (see page 55), the host local authority is responsible for their education. This means the host local authority is responsible for identifying whether your child has **additional support needs** and for providing the additional support.

Children who are educated outside the public education system

If you have arranged for your child to attend an **independent school** or pre-school, a **grant-aided school** or have decided to educate them at home, this means your local authority is not responsible for their education.

Both you and the school or pre-school that your child attends have the right to ask your local authority to find out whether or not your child has **additional support needs**, and to assess what level of support they might need (see page 18). Your local authority can choose to agree to your request, and to provide the additional support, but it does not have a legal duty to do so.

Early signs of additional support needs



It is important for children's **additional support needs** to be identified as early as possible so that appropriate support can be put in place. This can prevent further difficulties developing later and maximise learning opportunities.

The professionals who work with your child on a daily basis may identify a possible need for additional support. They should work closely with you if concerns arise.

However, you must always remember that, as a parent, you have knowledge about your child that is valuable to the professionals who work with them. You know your child's strengths, and you will also be aware of the areas in which they need extra support.

If you are concerned, you have the right to ask your local authority (generally in partnership with your pre-school centre or school) to arrange an assessment to see if your child has additional support needs. If your child has additional support needs, you can also request a specific assessment at any time, such as an educational, psychological or medical assessment. More information on assessment is on page 18.

Children up to the age of three

Health professionals, such as your **health visitor**, **GP** or community **paediatrician** will be able to identify a **disability** early on, often at or just after birth. If your child is diagnosed with a disability and could benefit from early additional support to help with their development, a health professional or other professional could tell the local authority, or you could do this yourself.

In these early years, you or a professional may notice other causes of concern such as difficult behaviour or a delay in learning to speak.

Pre-school children

Sometimes the first indication that a child may have additional support needs emerges when the child is attending a nursery or pre-school centre.

Early years staff, working in partnership with you, will have a key role in identifying whether your child may need extra support.

Others who come into contact with your child, such as a paediatrician, **social worker** or a particular type of **therapist**, may also notice these early signs. If they are concerned that your child may need extra support, they will first tell you and then the local authority.

School-age children

A teacher will normally identify children who need a greater level of attention or planning. For example, they may notice that a child has made a slow start in learning to read or that they are far more advanced than other pupils their age.

However, any professional who comes into contact with your child, such as a social worker, **school nurse** or GP, can raise their concerns with the local authority.

As a parent you may also bring your concerns to the teacher or the school.

Young people, aged 16 or over

Your child has the same rights as you if they are aged 16 or over. If they think they may need additional support and this has not been recognised by the professionals working with them, then they have the same right as you to ask their local authority to arrange assessments to find out if they do.

If your child does not have capacity, then as their parent you should ask for an assessment on your child's behalf.

At a glance: Early signs of additional support needs

You have the right to:

- ask your local authority to find out whether your child has additional support needs
- ask your local authority for a specific assessment at any time, if your child has additional support needs.

Your child's rights

- If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- make arrangements to identify children who have additional support needs
- comply with your request if you ask for particular assessments or to find out whether your child has additional support needs. It can only refuse if it considers your request unreasonable.

The assessment process



Assessment helps to identify whether your child has **additional support needs** and determines what kind of support they require.

The priority is always to identify your child's needs as early as possible and with as little disruption to their education as possible. This means that although 'assessment' sounds formal, most children's needs will be assessed informally as part of the nursery staff's or teacher's day-to-day work with your child. If your child's needs prove to be more complex, specialists may have to carry out more formal assessments.

The different levels and types of assessment are covered in this chapter.

Children up to the age of three

Information about your child is gathered and recorded as soon as they are born, first by a midwife and then by their **health visitor** or public health nurse.

The information from the health professionals in the early months will be used to decide what level of support the health service will need to give.

If any concerns about your child's development are identified, your child might be referred to a community **paediatrician**, a local specialist or children's hospital for further assessment. You and medical staff such as health visitors, **GPs** and paediatricians will probably be the first people to see that your child may need additional support when they go to pre-school or school. The local authority may become involved in assessing your child with a view to planning the move to pre-school education. The local authority can provide additional support for children under three who are not disabled but they do not have to do this.

Disabled children

If you have a disabled child, then an NHS practitioner, such as a health visitor, public health nurse, GP or community paediatrician can refer them to the local authority at this stage. Any other organisation or person, including parents, can bring a child to the attention of the local authority. Professionals in health, education and social work will be in close contact with each other so your child may already be known to the local authority.

The local authority will decide whether to assess your child to find out if they have additional support needs and decide what support they require. If the local authority finds that your child does have additional support needs, it has a legal duty to provide support, unless you do not give your consent.

The education professionals who might work with you and your child could include a home visiting teacher. The support provided could also include support from health, social work or voluntary agencies. This support must have educational aims.

Pre-school and school-age children

All local authorities must make sure they have systems for identifying which pre-school and school-age children have additional support needs. In most cases, schools or pre-schools using the resources available to them will do this. If necessary, **other agencies** such as social work, health or voluntary agencies will be called on to help out. The assessment approach used can vary across authorities. You as a parent have the right to ask for information about what will happen. Assessment should look at all aspects of your child's circumstances that may be giving rise to additional support needs.

However, if you are concerned that your child might have additional support needs that are not being identified, you have the right to ask your local authority to assess your child to find out what those needs are. You should make your request in writing, by letter or email, or use any method that can be kept for future reference such as voice or video recording. Remember to include your reasons. The local authority must comply with your request unless it regards it as unreasonable; e.g. an assessment has been carried out recently and there has been no change in circumstances, or it may not be seen as being relevant given the child's circumstances. Local authorities also have a duty to make sure all parents are aware of their arrangements for identifying which children have additional support needs and must publish the arrangements. You can contact your local authority to find out its procedures.

Looked after children

If children are **looked after**, they are presumed to have additional support needs. This is the case unless the local authority assesses them and decides they do not need additional support to allow them to benefit from school education.

Assessment at school

Assessment of your child's abilities should be continuous and may occur in stages. It should involve gathering evidence of your child's progress, giving feedback on their strengths and areas where they need to improve, and planning next steps to make sure those improvements are made. The assessment may also involve other teachers and professionals who know your child and should take account of all relevant aspects of your child's life.

You and your child should be involved in setting learning goals and discussing progress in achieving them. You can discuss your child's progress at a parents' evening or arrange an informal meeting with their teacher.

If your child has any difficulties, if they need more attention or more help with their work, then they are likely to come to the teacher's attention as a result of these day-to-day assessments.

This fairly informal method aims to help identify and resolve any problems as early and as quickly as possible. It could avoid the need for a formal referral to a specialist service, which can take time and be disruptive for your child.

However, if this fails to determine what support your child requires, the school may need to get help from other **appropriate agencies**, such as health or social work services, which can carry out specific types of assessment (see page 22). You too can ask for a specific type of assessment for your child (see page 24).

Getting help with assessment from outside school

Schools have access to an increasingly wide range of specialist support services. This includes professionals with a wide range of knowledge and expertise in education, social work and areas of health, including psychology. The school can ask these professionals to use their expertise to help assess your child's needs and suggest how it can help.

Both you and the school can ask for help from more than one appropriate agency. If there are different agencies involved in this consultation, according to the **Getting it right for every child** approach, a **lead professional** should act as a co-ordinator and make sure your views and your child's views are taken into account. This should avoid you and your child having to repeat information and tasks.

Specific types of assessment

If your child's school has asked for help from an appropriate agency for a specific type of assessment, the agency must comply, unless certain exceptions apply.

These are:

- ☉ if the request is incompatible with the agency's own statutory or other duties; or
- ☉ if it unduly prejudices the agency's discharge of its own functions (in other words, it impairs its ability to do its work).

The appropriate agency must respond to a request for help, including an assessment request, within ten weeks of the date of the request for help. There are statutory exceptions to this including that the child or young person failed to keep an appointment or the assessment cannot take place. For further information phone Enquire.

You also have the right to ask for a specific type of assessment for your child. If your child is aged 16 or over, they have the right to make the request themselves.

The law does not allow you to ask that the assessment be done by a certain individual or organisation. Your local authority makes the decision. You can pay for a private assessment yourself from a particular organisation or professional and then pass the assessment to the local authority. Your local authority must, by law, take it into account.

If you want some help to ask for a particular type of assessment, you can contact a supporter or an advocate (see page 80).

The following may be useful if you are not sure what type of assessment your child may need.

Psychological assessment

An **educational psychologist** employed by your child's local authority will usually carry out a psychological assessment. They have expertise in teaching methods and psychology and will assess your child's progress at school, taking into account all relevant circumstances. As with other assessments, educational psychology assessments can be formal or informal, and may involve discussion with teachers, other professionals and you.

Your child might benefit from this type of assessment if they are not making the progress expected of them at school or are having difficulties with learning, and teachers are not sure what to do.

Educational psychologists provide help and advice to schools, teachers and parents on how to help children learn and develop. They can identify a range of difficulties and disorders and provide advice on the learning environment.

In some cases they may need to get advice from other psychologists with different expertise, such as a **clinical** or **occupational psychologist**.

Health assessment

A health assessment or examination will be carried out by a relevant health professional. This may be a nurse, community- or hospital-based paediatrician, therapists such as **speech and language therapist**, **occupational therapist**, **physiotherapist**, **orthoptist**, **audiologist**, or clinical psychologist, who can all offer advice to you and the school on your child's health needs. Enquire has more information in **Factsheet 7: Who provides extra support for children's learning?**

The range of assessments conducted by health professionals can include any aspect of physical health or development and its effect on education. This could go beyond ill health to include concerns over movement, growth, posture, speech and language skills or mental health.

Social work

A social work assessment will be carried out by the social work department and will consider how specific issues in your child's life are affecting their education.

The assessment may say that your child needs, for example, support at home or in the community, welfare benefits and social support; or there may be a need to help with family conflict or breakdown, loss or bereavement, challenging behaviour, or mental or physical health problems in the family.

Using the voluntary sector

Several voluntary organisations in Scotland have expertise in particular areas. They may be able to offer specialist assessments or advice, but have no statutory duty to do so, unlike appropriate agencies such as health and social work bodies.

How to request a specific type of assessment

If you want a specific type of assessment by the local authority, you must ask for it using any method that can be kept for future reference. This could include a letter, email, CD, tape or video recording.

You should explain what assessment you would like your child to have, such as educational, psychological or medical, outlining why you believe it is necessary. If you are unsure about the process, contact your local authority – it will have a contact person for you to speak to. The local authority must ensure that you know how to request an assessment for your child.

You can ask for a specific assessment when you ask the local authority to consider whether your child has additional support needs or when you ask them if your child requires a co-ordinated support plan. Also, once it has been established that your child has additional support needs you have the right to request an assessment at any time, if you feel this is necessary. You can find more information in **Enquire Factsheet 18: Assessment**.

What to do if your request for specific types of assessment is refused

Your child's local authority must honour your request for an assessment, unless it considers it unreasonable.

All requests are judged individually. As a guide, a request may be considered unreasonable if it:

- may not be seen as relevant, given the child's or young person's circumstances
- may be unnecessary as there has not been a significant change in the child's or young person's circumstances since an earlier assessment
- seems badly timed, e.g. it is too soon after a previous request
- may repeat previous assessments.

If the local authority refuses your request for an assessment or examination, it must tell you why.

Carrying out assessments

All assessments may involve:

- observing your child in day-to-day situations, such as in the classroom and sometimes at home
- individual work with your child
- discussions with you
- discussions with others who know your child well.

Whatever level or type of assessment is being used to identify your child's additional support needs and determine what support they require, it should consider the following:

- The whole child. Home life or health needs, for example, could both be affecting their ability to learn. This may mean contacting and meeting other professionals who are involved with your child, such as a **social worker** or GP.
- Any advice or information given by other agencies or professionals involved with your child. A local authority must also seek information and advice from other agencies if necessary.
- Information from any previous assessments that your child has had. This includes any assessments that you have arranged yourself.
- Any advice or information given by you or your child.
- Your child's preferred method of communication. For example, assessments of bilingual children should take into account their level of skill in their first language as well as in English. Please refer to page 74 for more information.

Phillipa's story

Phillipa is one year old and she has had complex medical needs from birth and now has significantly delayed development. Phillipa's mum and dad are worried about Phillipa reaching developmental milestones and are in regular contact with the paediatric team at their local hospital. Phillipa has been referred to the local authority by the staff from this team who are part of the NHS Board. They will consider whether they think that Phillipa has additional support needs arising from her disability and needs to be assessed. A community assessment team consisting of an early years home-visiting teacher, health visitor, GP and paediatric consultant is co-ordinating a support package for Phillipa and her family. Phillipa's mum and dad are in contact with the parent support group based at the hospital which organises family events and offers practical and emotional support. A speech and language therapist is also advising Phillipa's mum and dad on activities to help develop Phillipa's language.

It is clear that her needs are complex and long term and will require significant support from different professionals. It has been agreed that in addition to the current additional support, a co-ordinated support plan will start to be prepared before her third birthday.



Children who are educated outside the home authority

If your local authority makes arrangements for your child to go to a pre-school centre or school run by another authority, or an **independent special school** or **grant-aided school**, your local authority remains responsible for identifying and monitoring the additional support your child needs.

However, if your child attends pre-school or school outside their local authority area via a **placing request** (see page 55), the host local authority is responsible for their education. This means the host local authority is responsible for identifying whether your child has **additional support needs** and for providing the additional support.

Assessment procedures may vary from area to area, but the same principles will apply. Please see the section on carrying out assessments above.

Children who are educated outside the public education system

If you have made your own arrangements for your child to attend an **independent or grant-aided school**, or to educate your child at home, you still have the right to ask your local authority to identify whether your child has **additional support needs** and determine what level of support they require. However, although your local authority can choose to comply with your request, it does not have to do so. If it does assess your child, it must give you advice and information on what type of support your child requires. If it fails to provide you with advice and information, the failure can be referred to mediation.

Your local authority may ask you if it can assess your child to find out if he or she has additional support needs. It will only do this if concerns about your child have been brought to its attention. Normally it will seek your consent before making an assessment.

At a glance: The assessment process

You have the right to:

- ask your child's local authority to find out whether your child has additional support needs
- request a specific type of assessment or examination (or both) for your child, including when the local authority proposes to formally identify whether your child has additional support needs, or requires a co-ordinated support plan
- receive information or advice about your child's additional support needs.

Your child's rights

- If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- make arrangements to identify children who have additional support needs. It can get help from other agencies to make sure it can achieve this
- meet your request if you ask it to find out whether your child has additional support needs. It can only refuse if it considers your request unreasonable
- publish, and keep updated, information on its arrangements for identifying children who have additional support needs
- take account of any advice or information that is provided by you, your child or other agencies when it is assessing your child.

Providing additional support



Depending on your child's needs, different kinds of support are available. The additional support might be a different approach to learning and teaching, support from staff, or particular resources.

Where possible, the support your child receives will be given in ways that do not make them feel singled out. It should be integrated into their everyday life at pre-school or school.

Children up to the age of three

The support will depend on your child's circumstances. At this early stage its purpose will be to help your child develop and prepare them for pre-school and school. For example, a home-visiting teacher may discuss with you activities you can do with your child to help them develop and learn. The teacher may also suggest your child attends a nursery.

An action plan may be drawn up that says what support your child needs and how you can contribute.

A **lead professional** or **key worker**, someone who has regular contact with your child, should be from the local authority or one of the **other agencies** that support your child. This person should be the single point of reference for you and other professionals. Your **health visitor** or your **social worker** could be the lead professional.

The details in your child's action plan will feed into any future educational plans for your child.

Pre-school children

The support will depend on your child's circumstances, but often it will be the same or similar to the support provided in schools; see below.

School-age children

One or several of these methods may be used to support your child. Additional support can be provided in different places, not just at school. For example, your child may receive support in hospital or at a social work centre.

Adapting the curriculum

Example: a very able child in the later stages of primary school gets access to the secondary school mathematics curriculum.

Individual or small-group teaching

Example: one-to-one or small-group tutorial will be given by the school's **support for learning teacher** to help with a reading difficulty.

Group-work support in the school

Example: a group of children working together at the same reading level or a particular project to develop social interaction.

Specific support from a classroom assistant, additional support needs assistant or behaviour co-ordinator

Example: helping a child understand a task and keeping them on track.

Support from a visiting teacher

Example: support is provided by a visiting **English as an Additional Language (EAL) teacher** for a child whose first language is not English.

Changes to the curriculum, including resources and materials

Example: particular resources such as computers are made available to enable children to access curriculum materials in a more suitable format. Breaking down work into smaller chunks can enable children with attention deficit hyperactivity disorder (ADHD) to perform a variety of tasks.

Adaptations to school buildings

Example: a school may make certain adjustments, such as better signage, to help children with visual impairment find their way around. See page 97 for further information about the rights of children with disabilities.

Peer-support arrangements such as buddying, paired reading and circle time

Example: children with social and emotional difficulties are set up with a network of older pupils who buddy up with them at lunchtime and playtimes to help them join in with their peer group and socialise.

Therapist within school

Example: a **speech and language therapist** devises a series of exercises that the teacher can use in the classroom when working with a child who has a particular language disorder.

Teacher takes advice from a specialist

Example: the class teacher helps a child with behavioural difficulties by following a behaviour management programme drawn up with a **behaviour support teacher**.

Attending a special unit

Example: some children may benefit from attending a unit in the school on a full-time or part-time basis. This may be because the particular type of support required is not usually provided in the classroom, or a child's needs would be better met by a part-time placement in a mainstream setting.

Attending a special school

In some cases, a special school may be better equipped to meet your child's needs. See **Choosing where your child will be educated**, page 52.

Planning your child's additional support

Depending on your child's needs, different levels of planning will be required to make sure their learning needs are met and to arrange the support they receive. This guide gives a broad description of the types of planning that may be used to support your child's learning but each local authority will have their own local procedures. For more information visit www.enquire.org.uk/local-authorities

Personal learning planning (PLP)

“All children with additional support needs should be engaged in personal learning planning and for many this process will be sufficient to address their additional support needs.” (Supporting children's learning code of practice 2010)

PLP sets out aims and goals for your child that relate to their own circumstances. These must be manageable and realistic and reflect your child's strengths as well as their development needs. Monitoring your child's progress in achieving these aims and goals will show whether additional support is working.

The school should arrange for your child to regularly discuss their progress in achieving their learning goals with a member of staff. If possible, your child should note what has been discussed and decided at these meetings, with the help of staff.

If a particular type of support is not helping them achieve their aims and goals, an alternative approach should be explored. Both you and your child should be fully involved in PLP, including setting aims and goals and monitoring progress.

You will be able to discuss your child's progress during meetings or informal conversations with their teacher or other staff. You will be best placed to help your child if you are clear about their learning goals.

For many children, PLP will be enough to arrange and monitor their learning development. However, if required, their PLP can be supported by an individualised educational programme.

Individualised educational programmes (IEPs)

If your child requires more detailed planning for their learning than can be made through PLP, they may have an individualised educational programme (IEP). An IEP describes in detail the nature of a child's or young person's **additional support needs**, the ways these are to be met, and the learning outcomes to be achieved. It also specifies what additional support is needed. In some authorities these plans have a different name – ask your child's school or Enquire for more information.

An IEP may include tasks that can be done at home to help your child's progress. As with all plans, both you and your child should be fully involved in developing their IEP and monitoring their progress.

Support from **other agencies** such as health, social work, or voluntary agencies may be required. If so, the relevant agencies should be involved in developing your child's IEP so the work is properly co-ordinated.

You will be able to discuss your child's progress during meetings or informal conversations with their teacher or other staff. The better you understand your child's learning goals, the more you will be able to help.

Co-ordinated support plans (CSPs)

Your child might need a co-ordinated support plan (CSP) to organise their support if:

- they have support needs as a result of complex or multiple factors that have a significant adverse effect on their school education
- supporting them requires high levels of involvement from one or more **appropriate agencies** such as health, social work services or the local authority, and
- their support needs will last more than one year.

Unlike personal learning planning and individualised educational programmes, a CSP is a legal document. It aims to ensure that the different professionals involved in providing support work together and the support is properly co-ordinated. It is an action plan for everyone involved, including you and your child. To find out more about CSPs, and why your child may need one, turn to page 38.

Staged intervention

Some local areas use a way of supporting children in schools called staged intervention. Staged intervention helps identify, assess, plan, record and review the learning needs of children and young people. It aims to meet a child's needs at the earliest opportunity and with the least intrusive level of intervention.

Staged intervention involves the child, parents and carers, school staff and, at some levels, other professionals. All work in partnership to get it right for every child.

There are commonly four stages, from stage 1 – where there might be some adjustments made to the curriculum or environment, for example – to stage 4, where children or young people are likely to have complex needs and a co-ordinated support plan. Also at stage 4, other professionals such as educational psychologists will be heavily involved. Staged intervention allows for movement between stages, depending on how the child or young person is doing.

You can usually find information about a local authority's approach to meeting the additional support needs of the children and young people in their area on their website.

How education plans fit in with other plans

As a result of the **Children and Young People (Scotland) Act 2014**, some children will have a **Child's Plan**. Child's Plans are created if a child or young person needs some extra support to meet their wellbeing needs such as access to mental health services or respite care, or help from a range of different agencies. Professionals working with the child will prepare and co-ordinate support through a Child's Plan.

The Child's Plan will contain information about:

- ☉ why a child or young person needs support
- ☉ the type of support a child or young person needs
- ☉ how long support will be needed and who should provide it.

Child's Plans mean that the people who support a child or young person use a single planning approach. This should make sure that any plans for a child always take into account the aims and goals set out in your child's education or other plan. More information about Child's Plans can be found on the **Getting it right for every child** section of the Scottish Government website www.gov.scot/gettingitright

Monitoring and reviewing support

Your local authority must keep your child's additional support needs under review and monitor the effectiveness of the support they are receiving.

This will be done by monitoring your child's progress in achieving the aims, goals and targets that have been set through their PLP, IEP or CSP. Other agencies, such as health, social work services or voluntary organisations may be involved in monitoring your child's progress if they are providing support.

If your child is not making adequate progress, their needs should be reassessed and appropriate support provided.

All learning plans should be reviewed regularly. The law sets out some specific arrangements for reviewing CSPs. For more information about the review of co-ordinated support plans, turn to page 49.

Children who can't go to school

If a child misses school because of ill health, local authorities have duties to ensure they can continue their schoolwork while they are absent. These duties apply when a child has an illness or has had an accident but also if the child is missing school for other reasons, for example, as a result of:

- being a young parent or carer
- refusing to go to school or having a school phobia
- having an undiagnosed mental health condition.

Whatever the reason for being off school, the child has the same right to education as others. If your child is absent from school, you should talk to the school as soon as possible and explain why. This will allow the school to consider your child's needs and arrange for appropriate support. You can find out more in **Enquire Factsheet 17: When a child can't go to school.**

Children who are educated outside the home authority

If your local authority makes arrangements for your child to go to a pre-school centre or school run by another authority, or **independent special school** or **grant-aided school**, your local authority remains responsible for identifying and monitoring the additional support your child needs.

However, if your child attends a pre-school centre or school outside their local area via a **placing request** (see page 55), the host local authority is responsible for their education. This means the host local authority is responsible for identifying whether your child has **additional support needs** and for providing the additional support.

Children who are educated outside the public education system

If you have arranged for your child to attend an **independent school** or **grant-aided school**, or to educate your child at home, your local authority can choose to provide additional support for your child, but does not have the legal duty to do so. You have the right to ask your local authority to assess your child to find out if they have **additional support needs** (see page 18). You also have the right, and so does the manager of your child's school, to ask your local authority to establish whether your child would need a co-ordinated support plan (see page 38).

At a glance: Providing additional support

You have the right to:

- ☉ receive advice and information about your child's additional support needs.

For more information on your rights regarding co-ordinated support plans, see 'At a glance' on page 51.

Your child's rights

- ☉ If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- ☉ provide 'adequate and efficient' additional support for each pre-school and school-age child who has additional support needs. This is subject to the exceptions shown on page 12
- ☉ provide appropriate additional support for disabled children under the age of three who have additional support needs because of their disability
- ☉ monitor the adequacy of additional support they are giving individual children
- ☉ publish, and keep updated, information on their arrangements for addressing and monitoring children's additional support needs
- ☉ provide a co-ordinated support plan for children who need one and keep this under review.

Co-ordinated support plans



Co-ordinated support plans are legal documents so all local authorities must follow the same detailed rules and regulations.

Children under the age of three

Co-ordinated support plans may be prepared for children from the age of three. If, below this age, your child has **additional support needs** and your local authority has agreed to provide the necessary support, they may have an action plan (see page 30). Information in this plan will help you and the professionals working with your child to decide if they need a co-ordinated support plan to manage their support when they start pre-school or school.

Pre-school and school-age children

Why your child may need a co-ordinated support plan

Most children with additional support needs will not require a co-ordinated support plan to manage their additional support. The law states that your child should have a co-ordinated support plan if their additional support needs arise from complex or multiple factors, are likely to last for more than one year, and they require a high level of support from education and services outside education such as social work or health. Children will have to meet all the criteria to qualify for a co-ordinated support plan.

Complex factors

A complex factor is one that “has, or is likely to have, a significant adverse effect on the school education of the child or young person” (**Supporting children’s learning code of practice 2010**).

A complex factor could arise from severe learning difficulties, a sensory impairment such as blindness, or a physical **disability** such as cerebral palsy. It is the impact on the child or young person’s learning that is important, however, and not the diagnostic label alone. Something that has a significant and adverse effect on one child’s school education could have little or no effect on another child. A guide to why some children may need additional support is on page 6.

Or

Multiple factors

“Multiple factors are factors which are not by themselves complex factors but, when taken together, have or are likely to have, a significant adverse effect on the school education of the child or young person.”

(Supporting children’s learning code of practice 2010)

One example of this is a child who is having problems at school due to the combined effects of a mild sensory impairment and the pressure of being a young carer at home. These factors may have a significant adverse effect on their education.

Likely to last for more than one year

The professionals who assess your child will have to judge whether their additional support needs are likely to continue for more than one year. One example of this is a child with a long-term debilitating illness such as muscular dystrophy.

Requires significant additional support from education and one or more appropriate agencies

To benefit from their school education, some children will need a high level of support from education and, in addition, from social work services or one or more **appropriate agencies**, such as Health Boards. Professionals will consider things like how often your child will need a certain type of support, how intensive that support needs to be and how many different professionals, perhaps from a variety of agencies, need to be involved. A co-ordinated support plan will help bring this all together.

When deciding whether your child needs a co-ordinated support plan, the local authority must:

- ☉ find out what information is available from **other agencies** that are working with your child
- ☉ take account of assessments your child has had, including any private ones you have arranged
- ☉ consider your views and your child's views. It must take this information into account.

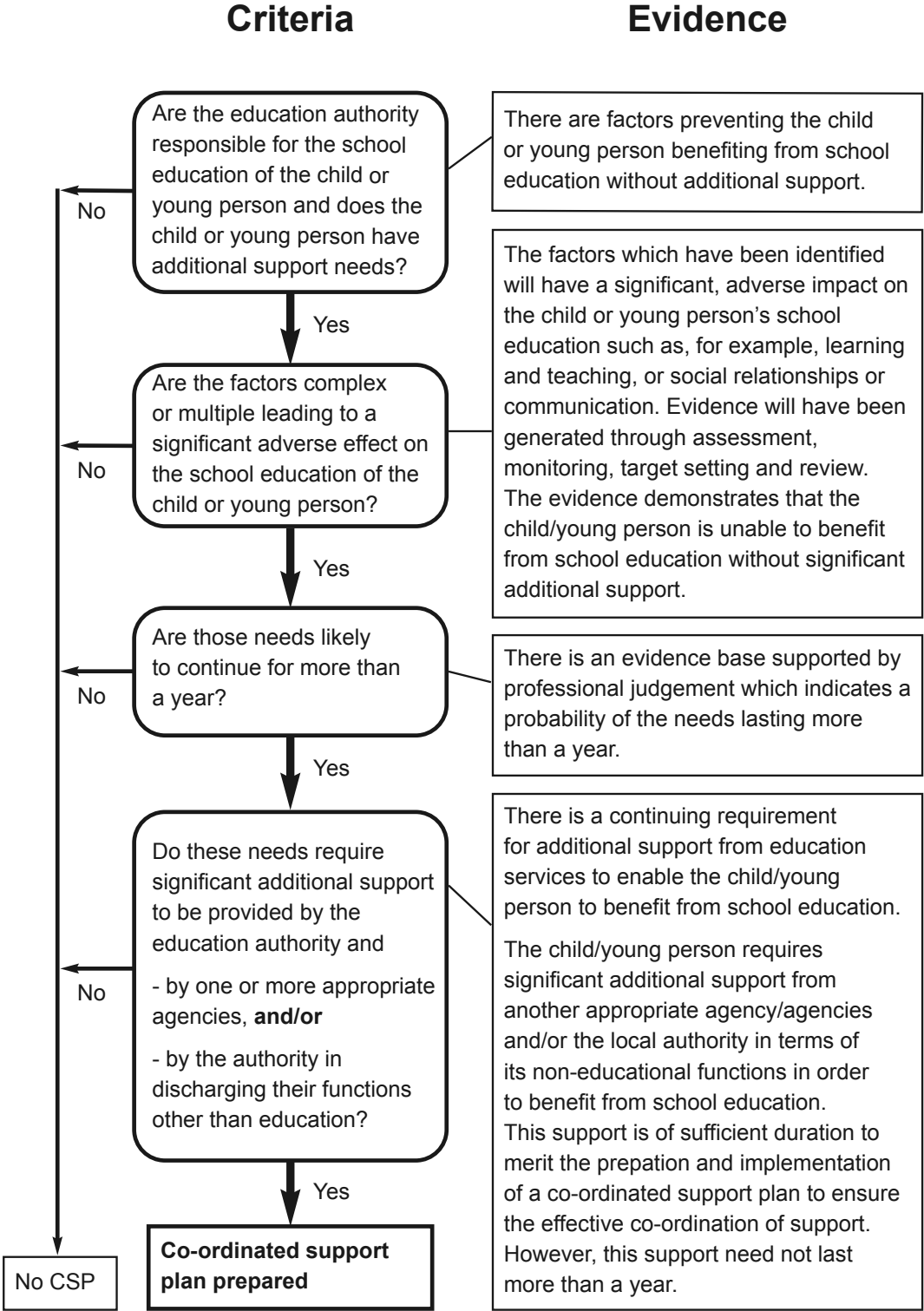
You have the right to ask the local authority to establish whether your child needs a co-ordinated support plan. You might do this if you believe that your child does require one and this has not been picked up by the professionals working with them. Your child can make this request themselves, if they are aged 16 or over.

If your child is being assessed for a co-ordinated support plan, you can also ask the local authority to refer your child for a specific type of assessment to help decide if a co-ordinated support plan is needed. More information on types of assessments available and how to request them starts on page 18 and in **Enquire Factsheet 13: Co-ordinated support plans**.

The local authority must comply with the request unless it considers that the request is unreasonable. If so, it must inform you why; for example, it is an inappropriate type of assessment for your child's circumstances (see chart on page opposite).

40 : Co-ordinated support plans

Is a co-ordinated support plan required?



Adapted from **Supporting children's learning code of practice** (Scottish Government, 2010).

Kemal's story

Kemal, a refugee from Iraq, has recently arrived in Scotland with his family. Kemal is 10 and is on the autistic spectrum. This, combined with his family's circumstances and the fact that English is not his first language, means he has multiple, ongoing additional support needs.

The family get intensive support from a specialist social worker and significant input from a voluntary agency to help them settle in Scotland. The local authority and all professionals working with the family agreed to begin the assessment process with a view to preparing a co-ordinated support plan for Kemal.

The assessment process involved Kemal's social worker, parents, the school, the educational psychologist, the English as an additional language service and the voluntary agency specialising in refugee family support. The assessment team decided that Kemal's needs and circumstances required a co-ordinated support plan. This plan will make sure the support Kemal receives is effectively co-ordinated across the organisations and agencies supporting him.



Kemal

Library photo posed by model

The information in a co-ordinated support plan

A co-ordinated support plan will contain:

Your child's strengths

This section will provide an overall picture of your child including their skills and capabilities, the activities they like to do and how they like to learn.

Why your child has additional support needs

This section will describe all the factors giving rise to your child's additional support needs and how they are affecting their development and ability to learn. For example, it may outline how a particular learning difficulty is affecting their schoolwork or how life outside school may be affecting their school progress.

Your child's educational objectives

Your child will have certain aims and goals to achieve. They will be aims and goals to suit your child's strengths and needs, to help them grow and develop. Professionals may use the experience outcomes in **Curriculum for Excellence** as a starting point but should also use all the assessment information available. For example, they may include learning particular social or communication skills, learning to travel, or how to feed and dress themselves. Alongside these there may be very specific goals, such as reaching a certain level in language or mathematics. Short-term targets will still be dealt with through an individualised educational programme or other learning plan (see page 33).

What support is needed to help your child achieve their objectives

This section will provide specific details of teaching and other staffing arrangements, appropriate facilities and resources, and particular approaches to learning and teaching. This could include additional staffing or therapy time, or changes to the curriculum. Support provided by other agencies may also be included, e.g. from social work or voluntary organisations.

Who will provide your child's support

This section will detail which professionals will be involved in helping your child. It will not name them, because the staff may change, but it will list, for example, 'visiting teacher of deaf children', '**speech and language therapist**', '**clinical psychologist**', 'classroom assistant' or '**social worker**'.

Details of the person responsible for co-ordinating your child's plan

A **CSP co-ordinator** will be appointed by the local authority to be 'in charge' of your child's co-ordinated support plan.

The co-ordinator will have experience in planning and providing support for children and young people with additional support needs. The co-ordinator could be the head teacher, an **educational psychologist**, a social worker, a **therapist** from health or the person who has already been appointed the **lead professional**. The choice of co-ordinator will depend on the needs of the child and the person best placed to co-ordinate the agencies involved.

The co-ordinator will be responsible for working with all the people involved in helping your child and ensuring the necessary support is provided.

The local authority will decide who the co-ordinator will be for each individual plan. While the local authority should seek and take account of your views and the views of your child, it does not need your agreement to appoint a co-ordinator.

Additional information:

- ☉ The name of your child's pre-school or school.
- ☉ The name, address and telephone number of the person who will co-ordinate the additional support set out in the plan.
- ☉ A contact person in the local authority who you or your child can contact for advice or further information.
- ☉ Your and your child's comments.
- ☉ A date for review of the plan.

There is guidance on writing a co-ordinated support plan. See **Enquire Factsheet 13: Co-ordinated support plans** for more information.

Your child's co-ordinated support plan is confidential but will be available to the team working with your child. A copy will be held by the local authority, your child's school, you and your child if they are aged 16 or over. Apart from the team of professionals who are involved in providing your child's support, the information in it should not be seen by anyone without your permission or, if they are aged 16 or over, your child's permission.

There are times when its contents can be disclosed without your permission. These include the following situations:

- When schools and local authorities are being inspected (including nurseries and pre-schools), government inspectors may ask to see a sample of co-ordinated support plans.
- When the Additional Support Needs Tribunal is considering your child's co-ordinated support plan (see page 92).
- When Scottish Ministers are considering a complaint against a local authority regarding its failure to carry out a duty under Section 70 of the **Education (Scotland) Act 1980**. For more about this please see **Enquire Factsheet 4: Resolving disagreements** and **Enquire Factsheet 16: Section 70 complaints**.

The Co-ordinated Support Plan Regulations also allow a local authority to disclose a plan or extracts to people it thinks should see them in the interests of the child or young person, and to the Principal Reporter of the Children's Hearing System.

If it is decided your child does not need a co-ordinated support plan

The local authority must inform you of its decision in writing and explain the reasons.

The local authority must still make adequate and efficient provision for your child's additional support needs. This might be managed through personal learning planning, an individualised educational programme or similar plan (see page 33).

However, if you disagree with the decision, you have the right to appeal to an Additional Support Needs Tribunal (see page 92).

How your child's co-ordinated support plan may be prepared

Step 1

You and your child, if they want to, will usually be invited to attend a meeting with staff at their pre-school centre or school. Other professionals from different agencies who may be involved in providing support for your child will also attend. If your child does not want to attend meetings or feels unable to, their views must still be sought and considered.

This is an opportunity for you both to give your views and provide any information that you think may be helpful in preparing the plan (see **Being involved in making decisions**, page 78, for more information on giving your views and the support you can get to do this). The local authority must find out what your views are and what your child's views are, and take them into account. Have a look at step 2. It may give you some idea about the kind of things you'll want to comment on.

Step 2

A working version of the plan will be drawn up. The professionals responsible for doing this, under the lead of an education officer, must consider:

- ☉ why your child needs additional support
- ☉ what support they are already getting
- ☉ any aims or goals that your child is working towards at school and how education and the appropriate agencies involved will help your child achieve them
- ☉ information and advice that you or your child have given
- ☉ information and advice from other agencies
- ☉ information from other assessments your child has had, including any that you have privately obtained
- ☉ which agency will be responsible for providing a particular kind of support
- ☉ the school your child will attend
- ☉ the person in the local authority you can contact for advice and information about your child's plan.

Step 3

The local authority may ask for further meetings if they need to discuss/change the draft plan.

Step 4

After discussion, the revised plan will be prepared and sent to everyone involved, including you or, if they are aged 16 or over, your child for final comments.

Step 5

Further changes are made if necessary. Once everyone involved agrees with the final plan, the local authority signs it. A copy is sent to you or, if they are aged 16 or over, your child. At this stage you will be given information about rights of appeal to the Additional Support Needs Tribunal (see page 92).

Step 6

A date is set to review the plan, which will normally be one year later. An earlier review may be carried out if circumstances change enough to warrant it.

Step 7

A co-ordinator is appointed if one is not already in place.

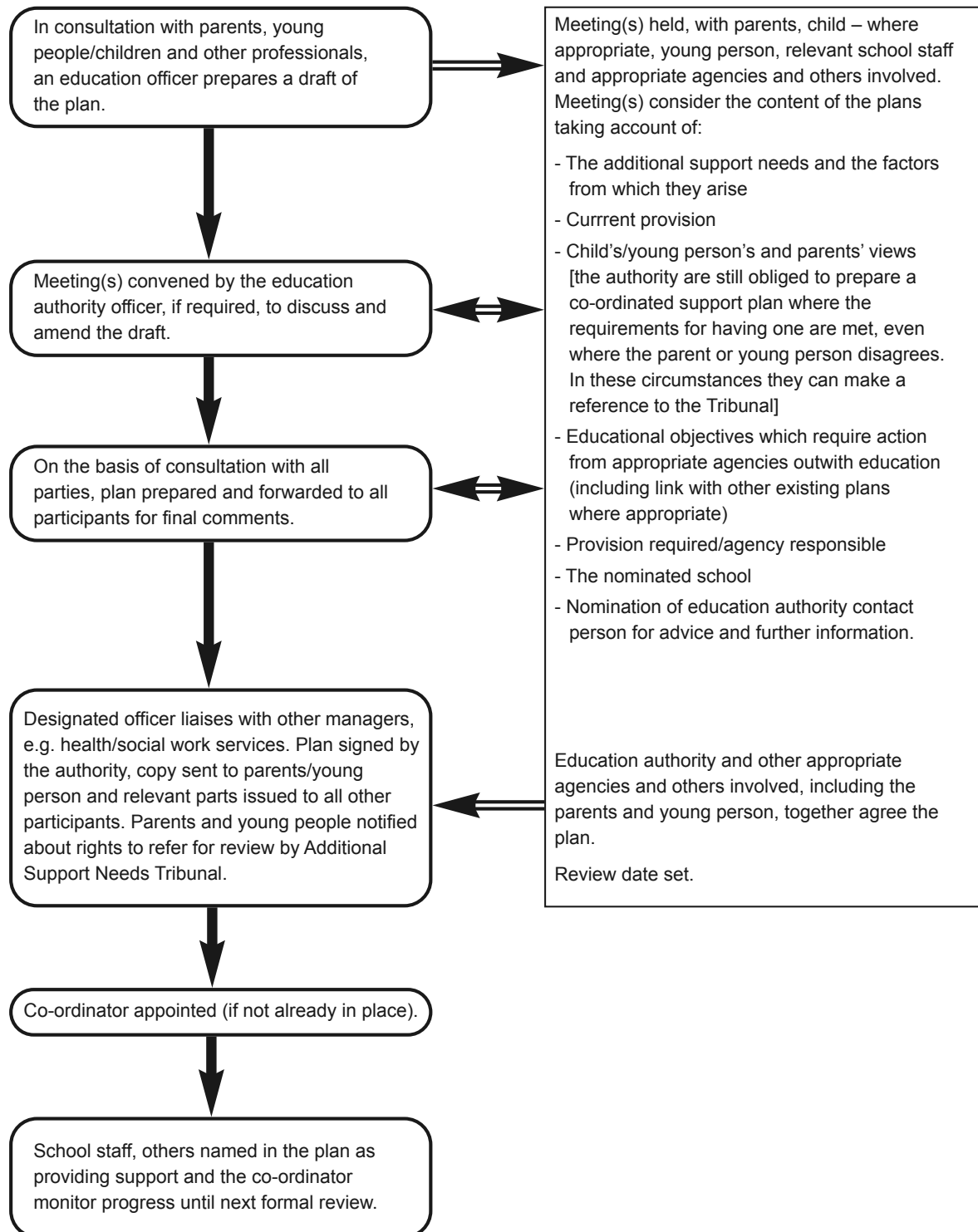
Timescales

It should take no more than 16 weeks for the local authority to prepare your child's co-ordinated support plan. Exceptions to the 16-week time limit include:

- ☉ where you have made a request for a specific type of assessment (see page 24) and the assessment or examination cannot take place or the result will not be available within 16 weeks
- ☉ the local authority has asked another agency, such as health, for help and the agency has not responded in time.

If there is a delay, the local authority must tell you and must set a new date for completion of the process. The time for preparing the plan should not be exceeded by longer than is reasonably necessary and, in any event, should not be more than 24 weeks.

Preparing a co-ordinated support plan



Adapted from **Supporting children's learning code of practice** (Scottish Government, 2010).

Monitoring and reviewing your child's co-ordinated support plan

Your child's co-ordinated support plan must be reviewed every 12 months to ensure that the support it describes is still appropriate for your child's needs. You will be invited to a review meeting. Remember that you can have a supporter or an advocate with you at the meeting if you feel you need any help (see page 80). The review meeting will consider:

- if the aims and goals set out in your child's plan have been achieved
- any new aims and goals that need to be set and what support will be needed to help your child achieve them
- whether there has been any change in the circumstances that have led to your child's additional support needs.

If you think your child's circumstances have changed significantly during the year, it may be decided that they no longer need the co-ordinated support plan or that the plan should change. If this happens, an early review meeting may be called. You have the right to request an early review meeting if you believe this is the case. You can get more information about meetings on page 84.

If you are unhappy with any decision about your child's co-ordinated support plan

If you disagree with any decisions that your local authority makes about your child's co-ordinated support plan, you can use free local mediation services to try to resolve the matter early on. However, if the disagreement cannot be resolved this way you, or your child if they are aged 16 or over, have the right to appeal to the Additional Support Needs Tribunal.

Children who are educated outside the home authority

If your local authority arranges for your child to go to a pre-school centre or school run by another authority or an **independent special** or **grant-aided school**, then your local authority is responsible for establishing whether they need a co-ordinated support plan, for developing the plan, and for monitoring and reviewing your child's progress.

If your child attends a school outside your local area as a result of a **placing request**, then the host local authority is responsible for establishing whether they need a co-ordinated support plan, for developing the plan and for monitoring and reviewing your child's progress.

Children who are educated outside the public education system

If you have arranged for your child to attend an **independent** or **grant-aided school** or to educate your child at home, then you, your child if they are aged 16 or over, or the manager of your child's school can ask your local authority to find out whether your child would need a co-ordinated support plan and what type of support would be detailed in it. The local authority can choose to meet that request, but is not legally obliged to do so.

At a glance: Co-ordinated support plans

You have the right to:

- ask the local authority responsible for your child's education to find out whether your child requires a co-ordinated support plan, and to review an existing plan
- request a specific type of assessment and/or examination for your child to find out whether they require a co-ordinated support plan
- be asked for your views and have them taken into account and noted in your child's co-ordinated support plan
- receive a copy of your child's co-ordinated support plan
- have your case heard by an Additional Support Needs Tribunal if you are involved in a dispute relating to a co-ordinated support plan.

Your child's rights:

- If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- provide a co-ordinated support plan for children who need one and keep this under review
- seek and take into account advice and information from other agencies, parents and the child when assessing a child to find out if they need a co-ordinated support plan
- monitor and review the adequacy and provision of support in a child's co-ordinated support plan
- publish, and keep updated, information on their arrangements for identifying children who need co-ordinated support plans
- have arrangements for resolving disputes about co-ordinated support plans
- publish, and keep updated, information on resolving disputes about co-ordinated support plans.

Choosing where your child will be educated



Choice of provision

Education can be and is provided in a number of settings. This chapter outlines these settings and what you can expect each to provide.

Mainstream

All local authorities must provide education to all children in mainstream schools and pre-school centres unless particular circumstances apply. This was made law by the **Standards in Scotland's Schools etc Act 2000**. The law says the exceptions to this are:

- ☉ where a mainstream school would not be suited to the ability or aptitude of the child
- ☉ where provision of education to the child in a mainstream school would be incompatible with the provision of efficient education to those with whom the child would be educated
- ☉ where the placing of the child in a mainstream school would result in unreasonable public expenditure being incurred that would not ordinarily be incurred.

Most children with **additional support needs** will be educated in their local mainstream pre-school centres or schools, which are able to cater for an increasingly wide range of needs. Generally, the school will be in the ‘catchment area’ set by your local authority.

If your child’s needs are more complex, one of the options listed on the following pages may be more suitable.

Special school

These schools provide for children with particular needs such as physical or sensory disabilities, behaviour problems or learning difficulties. Specialist support services and facilities are often located in special schools and teachers may have a specialist qualification or experience in teaching children with particular complex needs. Class sizes also tend to be smaller than in mainstream schools. A number of special schools are **independent** or **grant-aided**.

If your child does attend a special school, it may be outside their local area. To help get them involved with their local community, the school may arrange for them to have some lessons in their local mainstream school, referred to as a dual or split placement.

Special unit or learning base attached to a mainstream school

These offer some of the services of special schools, but in a mainstream setting (see above). Children may be taught full-time in the unit, for part of the day within the unit, or support may be provided in a classroom by staff from the base.

Residential school

Residential schools will generally provide for children who have complex educational needs and extensive care needs that could not be met in a mainstream environment. Residential schools offer a range of services that provide for all of the child’s needs. Children may be placed in a residential school setting for a number of reasons including; geographical access to a very specialised provision, complex medical difficulties or the effect on the child’s family of meeting complex needs.

Home- or hospital-based education

If your child is unable to attend school due to ill-health because of an accident, trauma, a mental health issue or medical condition, your local authority must make alternative arrangements to ensure their education and additional support needs are met. This may mean being educated out of school, at home, in a hospice or in a hospital if they have been admitted for a period of time. See **Enquire Factsheet 17: When a child can't go to school** for more information.

Home schooling

As a parent, you have a legal right to choose to educate your child at home. The law says you must make sure your child receives efficient education suitable for their age, ability and aptitude.

If your child is enrolled in a local authority school and you decide to home-educate your child, you must seek the consent of your local authority to withdraw him or her. Write to your local Director of Education, enclosing an outline of how you intend to provide an efficient education for your child.

If your child has never been enrolled in a local authority school, then you do not have to inform your local authority of your intention to home-educate.

For more about home education, contact Schoolhouse at:
www.schoolhouse.org.uk

Approximately one year before your child reaches school age, your local authority may discuss the options open to you. If your child's needs could be met at the local mainstream primary school, they will be offered a place there. If not, the local authority will discuss all possible alternatives with you.

If you do not get a letter or see an advertisement by the end of the February before the start of the next academic year, you should contact your local authority.

A similar procedure will happen when it comes to your child moving from primary to secondary school.

You should be involved in helping to decide what school your child is to attend. It is important that you feel confident your child will attend a school that can meet their needs and, most important, where your child will be happy.

Your local authority could arrange for you to visit possible schools or you could speak to staff at the school and other relevant professionals.

Placing requests

If your child has additional support needs and you decide you do not want to send them to the local catchment area school or the particular school that the local authority is recommending, then you can make a **placing request** for your child to attend a different school.

You can make a request for your child to attend:

- a school or pre-school centre in Scotland that is run by a local authority
- an independent nursery in Scotland that is working in partnership with a local authority
- an independent special school or a grant-aided special school in Scotland
- a school in England, Wales, Northern Ireland or outwith the UK that provides support wholly or mainly for children with additional support needs.

You cannot request a place in any independent or grant-aided school that is not a special school.

Your right to request a place in a school applies at any time until your child reaches school-leaving age. A request can be made if you want your child to change schools, as well as when they are moving from nursery to primary, or primary to secondary.

Apart from when your request is to a school outside the UK, the local authority has a duty to comply with your request except in certain circumstances. If your chosen school is outside the UK, it can agree to the request, but it is not legally obliged to.

Making a placing request can and will affect the availability of transport to school. If your child is educated in any school managed by another local authority as a result of a placing request, the home local authority no longer has a duty to transport them to school. It still retains a discretionary power to make transport available but is not legally obliged to do so. It is vital that you consider this when making a placing request and check your own local authority's transport policy as these vary. Further information about transport issues are covered by **Enquire Factsheet 6: Transport to school**.

Louise's story

Now in primary seven, Louise has shown a particular aptitude in music and her parents feel strongly that she is gifted in this area. The primary school has been providing music in line with the curriculum and Louise's parents have been paying for private tuition. Louise wants to go to a school that will let her develop in music and her parents feel strongly that she should be able to do this.

Louise's tutor has recommended a school in a neighbouring local authority that specialises in music. Louise and her parents visit the school and, after discussion with the school, Louise decides that she wants to audition. Part of this choice is also to make a placing request to attend the school as it is outside her local area. Louise is successful in her audition and Louise's parents make the placing request identifying Louise's additional support needs resulting from her ability in music.

Louise's placing request is approved although the home local authority does make her parents aware that they, as parents, will be responsible for Louise's transport to school.



Louise

Library photo posed by model

How to make a placing request

Placing request to a pre-school centre or school run by a local authority

If your chosen school is a local authority-run school in Scotland, you make a written request to the local authority that runs your chosen school.

Placing request to an independent or grant-aided special school

If your chosen school is an independent or grant-aided special school, you must first make sure the managers are willing to offer your child a place there. Then you make your request, in writing, to your own local authority - the one to which your child belongs. This procedure is the same regardless of whether the school is in Scotland, England, Wales or Northern Ireland (or outwith the UK).

What to include

Most local authorities will have a standard form for you to use.

If you do not use a standard form you should include your name and address, your child's name and age, the name of their present school (if any) and the name of the school you have chosen. If your child has additional support needs, you should also say why you are making the request.

Reasons a placing request can be refused

It is not always possible to get your child placed in the school of your choice, especially if it is out of the area, is full, is considered unsuitable, or is not run by your local authority. Your placing request for a particular school may be refused if:

- ☉ placing your child there would cause the local authority to breach its duty to provide mainstream education
- ☉ your request is for an independent or grant-aided special school not managed by your local authority when your local authority has offered your child a place in one of its own schools that is willing and able to provide additional support
- ☉ it would mean an additional teacher has to be employed, now or in the future
- ☉ it would mean an additional class has to be created
- ☉ it would be seriously detrimental to the continuity of your child's education
- ☉ it is likely to be seriously detrimental to the educational wellbeing of other pupils in the school, or to discipline in the school

- ⦿ the education provided is not considered suitable for the age, ability or aptitude of your child
- ⦿ in cases where a single-sex school has been chosen, your son or daughter is not of the sex admitted there
- ⦿ accepting your placing request would prevent the local authority reserving a place at the school for a child likely to move into the school's catchment area
- ⦿ your child does not have the additional support needs that require the education or facilities normally provided there
- ⦿ the local authority has already required your child to stop attending the school of your choice
- ⦿ it would result in significant cost to extend or change the accommodation or facilities there. But a local authority must consider its legal obligation under the **Equality Act 2010** to make 'reasonable adjustments' to school buildings to ensure that physical access is possible for children with disabilities.

The local authority must inform you in writing of its decision on a placing request. If it refuses your request, it must also give you the reasons for its decision. However, a local authority will be regarded as having refused a placing request if it has not informed you of its decision in writing by 30 April on a request made before 15 March, or if it has not informed you of its decision in writing within two months.

Appealing against a refusal

You can appeal against a local authority's decision to refuse your placing request.

You can appeal to the education appeal committee unless:

- ⦿ the placing request was to a Scottish special school
- ⦿ the placing request was to a school in England, Wales or Northern Ireland that makes provision mainly or wholly for children with additional support needs
- ⦿ your child has a co-ordinated support plan
- ⦿ the local authority has decided your child needs a co-ordinated support plan but one has not yet been prepared
- ⦿ the local authority have told you they will see whether a CSP is needed

- you are appealing against the local authority's refusal to prepare a co-ordinated support plan.

If any of these apply, then you make your appeal to the Additional Support Needs Tribunal (see page 92).

Education appeal committee

This committee will confirm or refuse to confirm the local authority's decision over your placing request. Members of the education appeal committee include local councillors and lay members.

If it refuses to confirm the decision, the local authority must honour your placing request. If it confirms the local authority's decision, you have the right to appeal to a sheriff (see below). An appeal committee is assumed to have confirmed the local authority's decision when:

- it has failed to hold a hearing within two months of the appeal being made
- it has failed, following the adjournment of a hearing, to fix a date for a resumed hearing
- it has failed to notify you and the local authority within 14 days immediately after the hearing ends.

Appeal to a Sheriff from an education appeal committee

Your application to appeal to a Sheriff must be lodged within 28 days after you receive the education appeal committee's decision. The Sheriff might accept a late application if you can show good reasons for the delay but this is generally in exceptional circumstances only.

Like the education appeal committee, a Sheriff will confirm or refuse to confirm the local authority's decision over your placing request.

If the Sheriff refuses to confirm the decision, the local authority must honour your placing request.

The decision by a Sheriff on an appeal is final.

Additional Support Needs Tribunal

For details on Additional Support Needs Tribunals turn to page 92.

You can get more information on appeals in **Enquire Factsheet 4: Resolving disagreements**.

Exclusion

Schools should focus on preventing exclusion. They should do this by identifying a child's additional support needs as early as possible, and then plan and provide support that meets their individual needs. Exclusion from school should not be used as a way to cope with a child's additional support needs. If a child with additional support needs is at risk of being excluded, the school should take all reasonable steps to make sure appropriate support is put in place.

A school can only exclude a pupil for the following reasons:

- ☼ The school thinks that order and discipline in the school and the education of the other pupils will be badly affected if your child continues to attend there.
- ☼ The school thinks that you, the parents or carers, have not followed the school's rules and have allowed your child to break the school rules.

Schools must always state one of these as the reason for the exclusion.

All exclusions must be recorded as a formal exclusion. Children must not be sent home on an informal exclusion or to "cool off". In some cases, it may be suggested that a pupil would benefit from attending school part-time. This should only happen with the agreement of the parent or carer and should only be for a limited time. Schools must record and monitor what they do. You can appeal against an exclusion if you wish. You can find out more about exclusions, including how to appeal, in [Enquire Factsheet 11: Exclusions from school](#).

Children with a **disability**, as defined under the [Equality Act 2010](#), have an extra right to appeal against exclusions. Under this legislation, a child's exclusion may be considered unlawful if it resulted from behaviour relating to their disability. (If you want more information about exclusion, please contact the Enquire helpline.)

Even when a child is excluded, they have a right to school education. They must continue to receive education in another school or by alternative means.

At a glance: Choosing where your child will be educated

You have the right to:

- make a placing request to a special school if your child has additional support needs
- appeal against the local authority's decision to refuse your placing request. The appeal would either go to an education appeal committee or to an Additional Support Needs Tribunal depending on the situation
- appeal your child's exclusion from school.

Your child has the right to:

- receive school education
- appeal an exclusion from school.

If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- provide education to all children in mainstream schools and pre-school centres unless certain circumstances apply (see page 52)
- comply with placing requests except in certain circumstances (see page 57).

Changing schools and leaving school



This section is about supporting children at times of change in their education, as they enter pre-school, then move through primary, secondary and on to preparing for adulthood. Some children may also transfer to a different school at other times because they move home or need different support.

If your child has **additional support needs** it is particularly important that the move is as smooth as possible. Good transfer of information about your child's needs will ensure that there is no disruption to the level of support they get.

Starting pre-school

If your child has been receiving additional support before starting pre-school, your local authority should start to gather information and views from any professionals working with your child at least six months before they are due to start pre-school. The authority must take any information it receives into account to ensure the pre-school is properly prepared and able to provide your child with the support they need.

At least three months before your child starts at pre-school, the authority must share this information with you and any professionals who will be involved from **other agencies** such as health or social work.

Information about your child should not be passed to other agencies without your consent and you should be fully involved in the planning process. This may involve attending meetings. You have the right to have a supporter or advocate with you at meetings to help you put your views across (see page 80).

From pre-school to primary to secondary

Local authorities will have systems in place that enable pre-schools and schools to share information. Any transition your child makes from one school to the next will usually be co-ordinated by a professional who is already working with your child and is familiar to both of you.

Before your child is due to move to their next school the local authority must start to gather information and views from **appropriate agencies** or other agencies (or both) that have been working with your child.

The authority must start to gather this information at least 12 months before your child is due to move from pre-school to primary school, and at least 12 months before they are due to move from primary to secondary school.

The authority must take any information it receives into account, to ensure the next school is properly prepared and able to provide your child with the support they need. This information should be shared with you and any professionals who will be involved from other agencies, such as health or social work, no later than six months before your child is due to start at primary or secondary school.

Information about your child should not be passed to other agencies without your child's or your consent and you should be fully involved in discussions about your child's additional support needs. This may involve attending meetings. You have the right to have a supporter or advocate with you at meetings to help you put your views across (see page 80).

Progressing beyond school

You and your child will be making decisions about their life after school long before they actually intend to move on. Do they want to attend further or higher education? Do they want to find employment or start a training course? Do they want to live away from home?

If your child has additional support needs, it is important that such plans are made in advance to ensure support is in place as they progress beyond school.

Local authorities must help children with additional support needs make the transition from school to adulthood. An appropriate place in post-16 learning must be offered to every young person who wants it.

For most children, this support will come from within their school and may include:

- advice and guidance from careers advisory services in schools
- personal learning planning (see page 33) - this may involve them setting and achieving goals that help them develop skills they will need after school, such as managing money or learning to travel independently
- providing accessible information about relevant college or higher education courses, national training programmes, community-based programmes or work placements
- organising visits to colleges or universities
- organising a work placement
- organising a phased entry to college, training placement or workplace for one or two days a week while continuing at school for the rest of the week
- offering alternative curricular programmes such as literacy and numeracy, IT skills training, personal and social development, outdoor education or community-based programmes.

Some children may be assigned a **lead professional** to help give a smooth progression to further or higher education, training, employment or other services. The lead professional might be a teacher, careers officer, **social worker**, community education worker or someone from another agency.

Your child may need support from other agencies such as health, social work or a voluntary organisation when they leave school. The local authority has a duty to ask the appropriate agencies, and other agencies it thinks necessary, for advice and information about any provision they are likely to make for your child once they leave school. This must be done at least 12 months before your child is due to leave school. The information will be used to ensure that an appropriate programme of support is set up to help your child progress beyond school. As well as social work and health, other agencies involved in planning for post-school would be Skills Development Scotland and further or higher education establishments. See **Enquire Factsheet 14: Progressing beyond school after 16** for more information.

The local authority must ask your child for their views about information that will be passed to appropriate agencies (unless they lack capacity to express a view - see page 76). The authority must pass on information about your child to any of the agencies that may be working with them after they have left school. This must be done no later than six months before they leave. This cannot be done without your consent, or your child's consent if they are aged 16 or over. The information will be used to help the agencies provide the support your child needs.

Your child should be fully involved in all decisions about the support they need to progress beyond school and the support they will have once they have left. Young people aged 16 or over have the right to have a supporter or advocate at meetings to help them put across their views about their additional support needs (see page 80).

If you or your child feel that the local authority has not followed post-school planning procedures, you have a right of appeal to the Additional Support Needs Tribunal. These procedures relate to gathering information about your child, involving you and your child in this process and sharing this information with relevant agencies. See **Enquire Factsheet 4: Resolving disagreements**.

Calum's story

Calum is 15 and attends a special school in his home local authority. Calum has a co-ordinated support plan and requires 1:1 support to engage with those around him. He has a profound learning disability, a visual impairment, epilepsy and is a wheelchair user who requires regular postural changes. Calum receives nutrition via a gastrostomy. He enjoys a sensory curriculum and particularly likes the music and drama class. The priorities for Calum and his family at the transition planning review at the end of S3 were to ensure that once he leaves the education system he has the opportunity to continue his personal development through meaningful day activities/supports and therapies. Calum's co-ordinated support plan was also reviewed; Calum will not be looking for work.

His social worker took on the role of the lead professional to co-ordinate the planning for transition. It was agreed that the following should happen:

- Calum should stay on at school until the end of S6.
- A social worker from the Children and Families team will complete a full assessment report for Calum in the next 6 months as this information has not been updated for some time. This will require talking with Calum's parents and a range of allied health professionals.
- The appropriate social worker from the adult learning disabilities team will be invited to the next review.
- Calum will have opportunities to take part in community activities once every two weeks within his school timetable.
- His speech and language therapist will work on a personal communication passport for Calum over the next 6 months.
- His paediatric consultant will be asked to clarify arrangements with Calum's family for transferring support with gastrostomy care, neurology and orthopaedics to adult healthcare within the next 6 months.
- The educational objectives in his co-ordinated support plan would be updated over the following month to take account of the arrangements for transition planning.



Calum

Library photo posed by model

Supporting your child

The following steps are examples of support that may make your child's progression beyond school as smooth as possible.

- ☉ Make sure that the local authority is involving you and your child in decisions that will affect them and is taking seriously the views of both of you. Local authorities have a duty to take into account the views of parents, children and young people in decisions that significantly affect the child's or young person's education. You can talk to the Named Person if you have questions.
- ☉ Discuss with your child whether they want to stay on at school beyond the age of 16. All children should be offered an appropriate learning option by their local authority to continue their education after age 16. Local authorities may support full-time and further education for a young person with additional support needs up to the age of 19, although there is no legal requirement to do this.
- ☉ Make full use of the services provided by Skills Development Scotland and your child's careers advisor. Skills Development Scotland has access to a wealth of information on post-16 employment, learning and training opportunities.
- ☉ Where appropriate, find out what benefits and services your child may be entitled to. You can contact your local benefits office or Self Directed Support Scotland for further information.
- ☉ Consider what medical, psychological, teaching or therapeutic services your child may need when they leave school and how they can access them.
- ☉ Find out about the range of support available from voluntary organisations.
- ☉ Consider what social support, if any, your family may need. For example, do you get enough breaks from caring? Does your child have enough leisure and social opportunities? What about their siblings or other family members - do they need support? Your local social work office or relevant voluntary organisations should be able to give you advice on this.

At a glance: Changing schools and leaving schools

Your child has the right to:

- have their views taken into account
- be involved in the planning process
- (aged 16 or over) have a supporter or advocate present at any discussions or meetings with a local authority when their additional support needs are being discussed (see page 80).

Local authorities must:

- request and take into account information and advice from other agencies that are supporting your child at least 12 months before they are due to start at primary or secondary school
- share information and advice from other agencies with you and obtain your or your child's consent before passing on information about your child's additional support needs to other agencies
- pass on relevant information and advice to any agencies that will be supporting your child at primary or secondary school, with your or your child's consent, at least six months before they are due to start
- give your child information and advice about their options including staying on at school, entering further or higher education, participating in the national training programmes, or taking part in personal and social development opportunities offered through community learning and development
- request and take into account information and advice from other agencies that are likely to be involved in supporting your child after they leave school. This must be done at least 12 months before your child is expected to leave
- seek and take account of your child's views when deciding what information to share with agencies that may be working with your child after they leave school
- pass on relevant information and advice to any agencies that will be supporting your child, with your child's consent. This must be done no later than six months before your child leaves school.

Supporting children's involvement in making decisions



Decisions about whether your child has **additional support needs** and what kind of support they require will significantly affect their life now and in the future.

Although education law asks you to make decisions on behalf of your child until they reach the age of 16, it is very important that you make every effort to ensure that your child is involved in making those decisions. This will change in November 2017 when children aged 12 and over with capacity will have many of the same rights as their parents and carers.

Your child is likely to get the most benefit from decisions if they feel comfortable with them. The key to this is that your child knows that what they say will be respected, listened to and, where appropriate, acted on.

Your child's right to express their views and have them listened to

The **Standards in Scotland's Schools etc Act 2000** states that a local authority must have due regard to the views of children and young people in decisions that affect their education. The law tries to make sure that professionals do not make decisions that affect your child without taking their views into consideration. The **Age of Legal Capacity (Scotland) Act 1991** recognises that children have capacity if they have enough understanding of the decisions they are involved in and what they may mean. This generally applies to children aged 12 and over but younger children can be regarded as having capacity in some cases. The professionals involved will decide at individual stages whether your child has capacity. This will be done in partnership with you.

Involving your child in decisions about additional support

In most cases your child will be involved in a fairly informal way, by encouraging your child to take part in developing their personal learning plan or individualised educational programme. They will be involved, during the normal school day, in setting targets and discussing and evaluating their progress.

The ASL Act requires professionals to seek and take account of your child's views when they are:

- ☉ assessing whether your child has additional support needs
- ☉ deciding what kind of support your child needs.

The law does allow professionals some discretion (freedom to act) in deciding whether to involve the child in every decision, but this discretion does not apply to co-ordinated support plans. It may be that your child lacks the capacity to express their views or to become involved in decision making or that it is not appropriate or relevant to your child at that time. The decision not to involve a child due to lack of capacity should not be taken lightly. Every effort should be made to find out a child's views whenever possible. The local authority must seek and take account of your child's view, or yours if your child is unable to provide a view, when it is:

- ☉ assessing whether your child needs a co-ordinated support plan
- ☉ preparing a co-ordinated support plan
- ☉ reviewing whether your child still needs a co-ordinated support plan
- ☉ deciding which agencies may be working with your child after they leave school
- ☉ deciding what information to share with agencies that may be working with your child after they leave school.

Julie's story

Julie is 16, has Down's syndrome and attends her local mainstream school with some auxiliary support. Throughout the planning for her transition from school Julie has maintained that she wants to get a job when she leaves school. Julie's mum is not sure about this and would rather Julie went to a local college that offers a range of short courses. The guidance teacher arranges a meeting with Julie and her mum to discuss the options available. Julie feels very strongly about at least trying to get a job and wants to be more independent and expresses this at the meeting. Julie's mum doesn't think she'll cope with it and thinks that the college will be more supportive.

The guidance teacher points out to Julie's mum that as Julie is 16 she can make her own choices and decisions about her education. They all agree that although Julie wants and needs her mum's advice, she does know her own mind and what she wants. The school offers to set up a meeting with a key worker from Skills Development Scotland who can work with Julie to look at the possibilities for employment or further education. Julie asks her mum if she'll come with her to the meeting.



Library photo posed by model

Your child's ability to make their views known

Early learning and childcare centres and schools are being encouraged to build children's confidence in this area by asking for their views, listening and allowing them to make choices as part of their day-to-day school life.

You can help build your child's confidence in this area too, by encouraging them to express how they feel and involve them in making decisions. It may also be useful if you and the school discuss your child's additional support needs with them. You and the school can work with your child to help them understand their needs and how they can manage them.

Expressing views will always be easier for some children than others. However, there are very few who cannot express any view at all. Some may simply need more encouragement and support to do so.

The following examples show how children may be helped to express their views:

- ☉ A child whose first language is not English may need an interpreter, not only to help them communicate their views, but to help make sure they fully understand the issues being discussed.
- ☉ A child who is hearing impaired may require visual aids or sign language (or both) for the same reason.
- ☉ A child whose behaviour means they are unwilling to co-operate may need imaginative approaches such as play, or the use of art.

If your child is aged 16 or over, they have the same right as you to have a supporter or advocate with them, who can help them put their views across or speak on their behalf at discussions or meetings (see page 80).

If your child is under 16 and they want to have an advocate or supporter with them when they attend any meetings, they can ask if this would be possible. The local authority can agree to your child's request. It may not agree if it believes it would not be in your child's best interests.

How your child's views will be noted and considered

The professionals working with your child will seek your child's views and record them. If your child has difficulty expressing a view, they will try to help. This may be by recording what your child expressed, whether this was by speaking, writing, signing, making a video, even a facial expression or adopting a certain body posture. They will also record how this was interpreted.

Those professionals involved with your child will then consider what weight to give your child's views. Although they have to take account of your child's views, they do not have to accept them or implement everything your child asks for. The decision will be based on:

- your child's ability to understand the information on which their views are based
- your child's ability to express their views
- your child's understanding of other options
- how well those recording and interpreting your child's views know your child.

The local authority will also look at what is appropriate and realistic for your child when considering their views. The local authority may not be able to fulfil all your child's wishes and the reasons for this will be explained.

If your child is unable to express their views

The law allows you to speak and act for your child where they are unable to. Your child may be unable to express their view on a particular issue because of mental illness, a developmental disorder, learning **disability** or physical disability. In legal terms, this is referred to as ‘lacking capacity’.

People should not assume that your child cannot express their view without first checking whether a different method of communication would enable them to do so. Nor should people assume that just because your child is unable to express their view on something, they are also unable to hold a view on it. Every effort should be made to allow your child to be involved in decision-making and to make relevant adjustments.

Your local authority, in discussion with you, will decide whether a child lacks the capacity to do something. You will be able to give an informed view on whether your child can understand a particular matter.

If your child is aged 16 or over and lacks capacity to do something, the law allows you to make a decision on their behalf.

Your child’s right to access their records

Your child has a legal right, under the **Data Protection Act 1998**, to access his or her personal educational records.

At a glance: Supporting children's involvement in making decisions

Your child has the right to:

- have their views considered and be involved in decision-making
- (aged 16 or over) have a supporter or advocate present at any discussions or meetings with a local authority when their additional support needs are being discussed (see page 80).

The local authority must:

- seek and take account of your child's views when it is assessing your child to find out if they have additional support needs and when it is deciding what that additional support may be, unless it considers it inappropriate to do so
- seek and take account of your child's views when it is assessing whether your child needs a co-ordinated support plan, preparing a co-ordinated support plan for them or reviewing it
- seek and take account of your child's views when it is deciding which agencies may be working with your child after they leave school and what information to share with agencies that may be working with your child after they leave school.

Being involved in making decisions



Parents play an important role in supporting children's achievement at school and their overall experience of school. Parents have a unique expert knowledge about their children, which they should share and education professionals should draw upon, at every stage.

It's important on a practical level to make sure you are fully involved in making important decisions, like whether your child has **additional support needs** and what kind of support they require.

Your legal rights are referred to throughout the guide. You can see them in the 'At a glance' sections at the end of each chapter.

It is essential that you are aware of your rights and use them. However, the quality of your involvement in your child's education will depend largely on your relationship with your child's pre-school centre or school and with the staff who work there.

The local authority must have a **contact person** who will be responsible for providing information about local arrangements for additional support for learning. They will be able to provide you with:

- local policies and procedures including those about resolving disagreements
- information about planning and provision in your child's pre-school centre or school
- details of local advocacy and support services
- details of who else you may need to contact.

The following summarises the guidelines given to professionals. It may help you understand what to expect in your involvement in your child's education. Your child will have a **Named Person** (this entitlement is likely to be in place in 2018) who is available to listen, advise and help both child or young person and their parents, providing direct support or help to access other services.

Professionals should:

- recognise and use your knowledge and expertise relating to your child
- respect and see the value in your views even if they differ from theirs
- find helpful ways of resolving any differences you may have
- consider your child's strengths as well as their needs
- make sure you are available to attend meetings
- tell you what is happening between meetings
- acknowledge any information about your child that you provide
- cater for any needs that you have to help you communicate with staff. For example, if you need to communicate using sign language
- when giving you information, make sure it is clear and easy to understand. They must try to avoid using technical language (jargon) without explaining it.

If you feel that you do need some help getting your views across, you can ask others to help. Whoever you nominate to help you will be called either your 'supporter' or your 'advocate'.

Supporters

A supporter can be a friend, relative, befriender or worker from a voluntary organisation. They could also be a professional working with your family. Their role will be to help you make decisions, understand policies and procedures and to give your views, for example at any meetings you attend to discuss your child's additional support needs.

Advocates

You also have the right to be supported by an advocate who can help you in the same ways as a supporter, and also speak on your behalf and represent your views at meetings. An advocate may be trained in advocacy and should have a good understanding of Scottish education law and other legislation.

Supporters, advocates and the local authority

Although you have the right to be supported by a supporter or advocate, your local authority does not have to provide one for you, or pay for one. Contact your local authority to find out what services are available in your area, or you may find the resources section in this guide useful.

Your local authority must comply with a wish to have a supporter or advocate present, unless it is unreasonable. The local authority might consider it unreasonable to include your supporter or advocate in discussions if it believes they are unable to represent you or if they are in some way hindering the process. If this happens, you must be given clear reasons for the decision.

There is an independent advocacy service to support parents and young people in Tribunal proceedings. You can find out more about this from the Additional Support Needs Tribunals for Scotland or Enquire.

Abbey's story

Abbey has just changed school as her family has moved into a new area. Abbey has dyslexia and is in primary three at her local school. Abbey's mum is disappointed in the new school as she no longer gets to talk to the class teacher as much and feels she doesn't know what support has been put in place.

Abbey's mum had asked to speak to the class teacher but the teacher said it wasn't a good time as she was busy. Abbey's mum felt put off by this and she decided to speak to the head teacher about Abbey's support instead. The head teacher arranged a meeting to discuss how Abbey was adjusting, with her mum, the class teacher and the learning support teacher.

Abbey's mum asked a family friend go along with her to the meeting as her supporter because she finds it difficult to say what she feels in meetings. The head teacher went through what Abbey had done so far at her new school and asked her teacher to comment on where she was getting on okay and where she needed some extra help.

The head teacher explained how the school aims to keep parents informed about their children's progress and they talked about what would work best in this case. They agreed that while the class teacher would not be able to update her every day they would use a weekly diary to keep her mum up to date with Abbey's progress. The head teacher also explained to Abbey's mum what support is available for teachers on dyslexia and the role of the learning support teacher in the school. They agreed they would see how Abbey was getting on in three months, and if she needed some extra help they would arrange some time with the learning support teacher.



Abbey

Library photo posed by model

Contributing your views

Parents are asked to give their views or comments about their child's additional support needs and the support that will help them to get the most out of school. This might be for a meeting to review how your child is getting on or to prepare a plan. You may also be asked for your written comments on a plan (for example an IEP or CSP). It can be difficult to know what to say or what is expected when you are asked this. Here are some things you might think about including:

- ☉ Do you agree with what is written in the plan? Is there anything missing that you would have liked to include?
- ☉ Are the right people involved, in the right ways, in helping your child?
- ☉ Have you noticed anything that shows that your child is making progress, or not? Is there anything that you think has worked really well?
- ☉ Is there anything a teacher, support staff member, health or other professional, has done in the past that really works well for your child?
- ☉ What works well at home? For example you could talk about your child's interests or how you manage their behaviour at home. Include anything that you think would help to build up the most accurate picture of your child for the people working with them.
- ☉ What next steps are important to you and your child - what would they like to learn more about? What information do you need to help them achieve these next steps?
- ☉ Do you have any concerns that have not been addressed?

Remember, you don't need to wait until reviews or meetings about plans to raise any concerns or discuss your child's progress.

Good communication

The following is from [Supporting children's learning code of practice](#) (Chapter 7, Section 40). It outlines what practitioners in local authorities can do to encourage good communication with parents and work well with them in partnership to provide what is in the best interest of the child.

Professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child
- consider the child's strengths as well as additional support needs
- recognise the personal and emotional investment of parents and be aware of their feelings
- ensure that parents understand procedures, are aware of how to access support and are given documents to be discussed well in advance of meetings
- respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints
- cater for the differing needs parents may have, such as those arising from a disability or communication and language barriers.

Information should be:

- clear and understandable and avoid jargon
- provided in easily accessible formats
- readily available and provided automatically without a charge and without fuss.

Communication works well when:

- people have the interpreters they need
- someone in authority takes responsibility for keeping parents up to date
- people are told what has been happening between meetings
- any information provided by parents is acknowledged
- formal references to statutory procedures are avoided.

Effective working relationships develop when:

- contact with parents is sensitive, positive, helpful and regular
- parents feel included and are encouraged to contribute to discussions
- positive, clear and easily understood language is used
- parents are involved and processes and roles are explained from the beginning
- parents are told what to expect and the next steps
- times of meetings take account of parents' availability.

Meetings work best when:

- ☉ parents are asked what times and places suit them best, taking account of any access need or family responsibilities
- ☉ notes from meetings, and any other papers to be considered, are sent out in good time
- ☉ parents are invited to add points to the agenda, at the same time as everyone else
- ☉ people attending are aware of their roles and the roles of others and they understand the child's or young person's additional support needs
- ☉ there are no hidden issues, and no last-minute surprises
- ☉ decisions are made when the parents are at the meeting, or agreed with them before the meeting takes place, not after the meeting has closed, unless further consultation takes place with them
- ☉ ample time is given for people to raise concerns, so that decisions are not rushed.

Identifying the way forward works well when:

- ☉ all views are taken on board - including those of the child or young person
- ☉ people are interested in learning from each other
- ☉ people show an interest in general family priorities and take them on board
- ☉ services are identified in agreement with the family and are responsive to individual needs.

Accountability and involvement:

- ☉ who is responsible for what is clearly defined and understood
- ☉ parents' concerns are responded to quickly
- ☉ decisions are open to scrutiny
- ☉ parents have a clear point of contact who can answer questions, make decisions and ensure that agreed actions are taken
- ☉ people do what they agreed within the agreed timescale - if a decision is likely to take time, parents are told and given some idea of when a decision is likely.

At a glance: Being involved in making decisions

You have the right to:

- have your views considered and be involved in decision-making
- have a supporter or advocate present at any discussions or meetings with a local authority when your child's additional support needs are being discussed.

Your child's rights

- If your child is aged 16 or over, they have the same rights as you, listed above.

Local authorities must:

- have a contact person in place who will be responsible for providing information about local arrangements for additional support for learning
- publish information about a range of matters including:
 - o their policy in relation to provision for additional support needs
 - o arrangements for identifying children and young people with additional support needs and those who may require a co-ordinated support plan
 - o the role of parents, children and young people in any of these arrangements
 - o arrangements for monitoring and reviewing the adequacy of additional support
 - o arrangements for independent mediation services
 - o where parents and young people can get more information and advice.

Resolving disagreements



Building a strong relationship with those who work with your child will make it easier to solve disagreements informally.

You should be fully involved right from the start in making any decisions about your child's **additional support needs** (see page 78). If you are unhappy with anything, make your views known as soon as possible. You can do this at any meeting or by arranging an informal discussion with a relevant member of staff such as the class teacher or additional support needs staff. Your views must be taken into account. Don't forget that you have the right to bring a supporter or advocate along with you (see page 80), to help ensure that your views are understood, put across and taken account of in discussions.

Please try to resolve disagreements with the school or local authority before considering more formal routes. It will usually be possible.

Failing this, independent mediation is one option that can help. Under the ASL Act, independent mediation services must be available in every local authority. Your local authority must give you information about the independent mediation service it uses in your area. The service must be free of charge for parents and young people.

Mediation

Mediation is a way of resolving disagreements or misunderstandings early on, to prevent them getting worse. It is not like a tribunal or court. It allows you, or your child if they are aged 16 or over, to meet a relevant person from your child's school or local authority, and try to agree a solution. You can have a supporter or advocate with you to help get your views across (see page 80).

Independent mediation can help to build or rebuild a positive relationship, leading to co-operation in making arrangements for the child or young person. It can help avoid conflicts that arise out of misunderstandings or lack of shared information. The aim is that disputing parties come to a shared agreement on how to resolve the problem themselves.

An independent and trained mediator will always be present. However, they will not offer advice or make recommendations. They will simply help both parties to find a satisfactory agreement that resolves the problem. They do not act on behalf of either party and are independent from the local authority.

It is important to remember that:

- ☉ mediation is voluntary
- ☉ mediation is private and confidential. You can discuss the issues and your ideas for resolving the disagreement without fear of them being used against you in the future if no agreement is reached
- ☉ using mediation as a first option to resolve a disagreement or misunderstanding will not affect your rights if you want to take the matter further at a later date
- ☉ mediation can be used more than once; for example, for resolving different parts of a disagreement
- ☉ mediation can be an opportunity for your child's view to be heard
- ☉ mediation is easily arranged. Usually it only takes a few phone calls for a session to be set up.

Further information can be found in **Enquire Factsheet 8: Mediation** and **Enquire Factsheet 4: Resolving disagreements**.

The Jacks' story – mediation

Mr and Mrs Jacks have a son Paul who is 14. Paul has Asperger's syndrome. Paul had a difficult transition from his local mainstream primary to secondary school. Mr and Mrs Jacks started to feel increasingly frustrated at the school as they felt Paul's needs were not being met and it was having a bad effect on him. They brought this up with the deputy head and head teacher throughout S1 and S2. They did not think anything was changing so they decided to withdraw Paul from school and educate him at home themselves.

The home education programme worked out well in some ways and not so well in others. Mr and Mrs Jacks felt that Paul was socially isolated and did not have friendships and wanted to look at what alternatives might be better. As a result of their experiences with Paul's secondary school, Mr and Mrs Jacks found it difficult to talk to any staff in the authority about where Paul would best be placed. There was distrust between the parties and Paul's parents did not think the authority knew how to meet Paul's needs. After some time both parties agreed to contact an independent mediation service.

A mediator from the independent mediation service got in touch with the Jacks and the contact person at the local authority. Mrs and Mr Jacks met the independent mediator to share information about their concerns and learn more about mediation. The same opportunity was given to the education officer involved.

Both parties met at the local voluntary centre, with the mediator there to facilitate their discussions. Mr and Mrs Jacks said how they felt about the handling of Paul's transition to secondary school and raised concerns that his needs were not met in school. The education officer referred to the local authority's policy on additional support needs and the staged intervention approach it adopts. They were able to talk about what would now work best for Paul. Both parties agreed that Paul's home education programme would continue, and that an additional support needs teacher from the school he attended would begin some outreach support work. The plan would be to work towards Paul attending his local school again. Initially this would be on a part-time basis, until Paul and his parents were happy with this step.



Resolving disputes by independent adjudication

Under the ASL Act, independent adjudication is available as a way of resolving disagreements. It involves a formal review of your case by someone who is independent of your local authority and has expertise in dealing with children who have additional support needs. Unlike a mediator, the adjudicator will consider the circumstances leading to the disagreement, then reach a decision and make recommendations to everyone involved. Although there is no legal obligation for the recommendations to be acted upon, both parties are expected to accept the outcome.

You, or your child if they are aged 16 or over, have the right to request independent adjudication.

Independent adjudication can only be used for certain matters, for example, if you are concerned about:

- whether your child's additional support needs have been correctly identified
- the local authority's refusal of a request for a specific type of assessment
- the level of additional support your child is receiving.

Independent adjudication does not cover things such as:

- disagreements over the refusal of a **placing request**
- disagreements over exclusions
- allegations of misconduct, or broader policy issues such as school closures or complaints about the way a school is being run.

You can find more information in **Enquire Factsheet 12: Resolving disputes using independent adjudication** and **Factsheet 4: Resolving disagreements**.

It should take no longer than 60 days, from the time your local authority confirms it has accepted an application to you receiving the independent adjudicator's report.

The Smith's story – independent adjudication

Mr and Mrs Smith have been in a long-running and difficult dispute with their daughter's school and their local authority on the education of their daughter Maya who is 13. An education officer involved in the case suggested they could apply for independent adjudication. The officer explained how to do this. In their application, Maya's parents said that the local authority was failing "to provide, or make arrangements for the provision of, the additional support" Maya needed.

To present their arguments and evidence to the independent adjudicator, Maya's parents and the local authority had to clarify their views of Maya's additional support needs and how well they were being met. They also had to consider how they thought the dispute should be resolved. Maya gave her views with the support of a member of staff at school she was comfortable with. Maya's behaviour had deteriorated considerably at school and often she was not turning up.

The independent adjudicator reviewed the evidence and found that both parties disagreed on the nature and impact of Maya's learning difficulties. There was no detailed up-to-date assessment evidence on the precise nature of Maya's learning difficulties, and the targets in her personal learning plan were not precise. The adjudicator noted that Maya was anxious about the way the dispute was drawing attention to her.

In her report, the adjudicator's recommendations for resolving the dispute included the following:

- Maya should have a specialist assessment to establish the precise nature of her learning difficulties and advice on overcoming them.
- The local authority should prepare an individualised educational programme that would be agreed and regularly reviewed by all parties and Maya herself.
- Maya should work with a mentor to understand her learning needs and her part in dealing with them.

The local authority accepted the need to act on the recommendations. To co-ordinate this, it appointed an educational psychologist who had not previously been involved. Over time, Mr and Mrs Smith and the staff in Maya's school began to work together to Maya's benefit.



Maya

Library photo posed by model

Additional Support Needs Tribunals

You, or your child if they are aged 16 or over, can appeal to an Additional Support Needs Tribunal (the Tribunal) if you want to challenge a decision about a co-ordinated support plan (CSP) (see page 49) and in certain other circumstances.

The Tribunal has produced a guide for people using or thinking of using the tribunal system. There is also an easy-read version available. You can get copies from the Additional Support Needs Tribunals for Scotland:

www.asntscotland.gov.uk

You can appeal to the Tribunal if you are unhappy with:

- ☉ a decision to prepare a CSP for your child
- ☉ a decision not to prepare a CSP for your child
- ☉ a decision to continue your child's CSP following a review
- ☉ a decision to discontinue your child's CSP following a review
- ☉ the length of time it is taking to decide whether your child needs a CSP, to prepare the CSP or review the CSP. You can also appeal if the local authority fails to review your child's CSP after 12 months
- ☉ a decision to refuse your request to find out if your child needs a CSP, or your request to have an early review of the CSP
- ☉ some of the information in your child's CSP
- ☉ the failure to provide the additional support included in the CSP
- ☉ a decision to refuse a placing request where a CSP exists, or is required but not yet prepared, or if an appeal against a refusal of a placing request has not yet been considered.

Even if no co-ordinated support plan is involved the Tribunal will hear appeals on:

- ☉ the refusal of a placing request to a special school
- ☉ failures over post-school transition duties
- ☉ issues related to disability discrimination of pupils.

Your local authority must inform you of your right to appeal to an Additional Support Needs Tribunal in the above circumstances.

Further information can be found in **Enquire Factsheet 4: Resolving disagreements**.

Other ways of making a complaint

In some situations you do not have a formal right of appeal or the difficulty does not lend itself to being resolved through mediation or independent adjudication. You have a right to make a complaint if you are concerned about the quality of service your child is receiving, for example, where:

- a problem has arisen in your child's school or with a member of the school staff. In this case you should contact the head teacher
- you are concerned about the conditions in which your child is being educated. You should contact the Parent Council and ask them to discuss the issue with school management to find a solution
- you want to make a complaint about the work being done with your child by a professional who is providing their additional support (for example, their **behaviour support teacher** or a **social worker**). You should write to the individual's line manager.

If you feel that these concerns have not been resolved to your satisfaction, you should then write to the head of your education service or the head of any **other agencies** that are supporting your child.

Your local authority should have a designated complaints officer who can advise you on the local authority's policy for making a complaint.

You could also write to your local councillor or your local MSP, but they will usually expect to see evidence that you have tried to resolve your complaint using your local authority's complaints procedure.

You can complain to the Scottish Public Services Ombudsman if you have already been through your local authority's complaints procedure but have not achieved a satisfactory result, or if your complaint was not appropriate at that level. This may be because you believe the local authority has mismanaged your case or not followed correct administrative procedures.

You can find the contact details of the Ombudsman at www.spsso.org.uk

If you feel that a local authority has failed to fulfil one of its legal duties, you can make a formal complaint to the Scottish Minister responsible for Education. This is known as a Section 70 complaint under the **Education (Scotland) Act 1980**. You must put a Section 70 complaint in writing, outlining your complaint with specific reference to the relevant duty failed. You can get more information about a Section 70 complaint from **Enquire Factsheet 16: Section 70 complaints**.

Children who are educated outside the home authority

If your local authority arranges for your child to go to a school run by another authority, you can still access local mediation and independent adjudication services. This is because the home authority still has a duty to provide these services to the parents of children or young people belonging to their area. If your child attends a school outside your local area as a result of a **placing request**, the host authority will offer mediation and independent adjudication services locally.

Children who are educated outside the public education system

If you have arranged for your child to attend an **independent** or **grant-aided school** and the local authority is not responsible for their education, you may still use the local mediation and independent adjudication services. However, you can only use the service to help resolve disagreements about the local authority's duties under the **Education (Additional Support for Learning) (Scotland) Act 2004**.

At a glance: Resolving disagreements

You have the right to:

- use free independent mediation services. Mediation can be used at any time to address any issue or misunderstanding about your child's additional support needs
- have a supporter or advocate present at mediation sessions, although it is important to remember that mediation is a joint problem-solving process rather than trying to 'beat the other side'
- request independent adjudication
- apply to the Additional Support Needs Tribunal (called 'making a reference') for decisions about a CSP and certain other issues. In particular, a parent or young person may make a reference about the decisions of a local authority:
 - o to prepare or not prepare a CSP
 - o to continue or discontinue a CSP
 - o regarding the timescales for the CSP
 - o not to comply with a request to establish whether a child or young person needs a CSP
 - o to refuse a placing request where a CSP exists, or is required but has not yet been prepared, or if an appeal against a refusal of a placing request has not yet been considered
- have a supporter or advocate present at a Tribunal hearing.

Local authorities must:

- provide independent mediation services, free of charge, to parents and young people
- have arrangements for resolving disputes and publish information on this. These arrangements must be free of charge to parents and young people.

Equality of opportunity



All children have the right to equality of opportunity in education. Your child should not be unlawfully discriminated against on the grounds of their gender, race (skin colour, ethnic origin, cultural background or nationality), **disability**, social background, sexual orientation or religious belief. This also includes young women who are pregnant or have just had a baby.

This chapter gives you information on some laws that protect your child.

Children and Young People (Scotland) Act 2014

This law has various parts that affect children and young people with additional support needs. These are about children's rights, children's services planning, providing a **Named Person** for every child, **Child's Plans**, early learning and childcare, corporate parenting, aftercare and continuing care for looked after children, and support for kinship care. There are also other reforms in this Act. This guide will continue to be updated as different parts of the Act come into force.

Equality Act 2010

This law replaced previous laws such as the **Race Relations Act 1976**, the **Race Relations (Amendment) Act 2000** and the **Disability Discrimination Act 1995**.

It is one single law that aims to tackle unfair discrimination, harassment and victimisation, making things fairer and more equal for all adults and children in Britain. Part of this law involves an equality duty on public bodies such as local councils to plan how they can promote equality.

Race equality

Race discrimination is unlawful in Scottish schools. Under the **Equality Act 2010** all schools must promote good relations between people of different racial groups and equality of opportunity for all regardless of their skin colour, ethnic origin, cultural background or nationality. This covers admissions to schools, exclusions, the content of the curriculum, the management of racist incidents and support for parents.

If you believe your child is experiencing racism at school, including racist bullying by other pupils, you should contact the head teacher immediately.

You have a right to be involved in any meetings about your child. If necessary, the school should take steps to ensure that there are appropriate translation and interpreting services so that you can take part in any discussions and decision-making.

Equality for children with disabilities

The legal definition of a disability is “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities” (**Equality Act 2010**).

Your local authority is not allowed to discriminate, without justification, against disabled pupils and prospective pupils who have disabilities.

The principle is that wherever possible, disabled people should have the same opportunities as non-disabled people in their access to education.

The law covers local authority schools and independent, grant-aided and self-governing schools. It also covers post-16 education.

The Equality and Human Rights Commission (EHRC) gives more information on the **Equality Act 2010**. The website address is: www.equalityhumanrights.com

The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

All local authorities must have an accessibility strategy, setting out what steps they are taking to improve access to the curriculum, physical environment and information and communication for disabled pupils. If your child has a disability and you are thinking about a suitable school for them, you may find it helpful to ask for a copy of the strategy.

The Children (Scotland) Act 1995

All local authorities must provide services designed to minimise the impact of disabilities on children and to allow them to lead their lives as normally as possible.

You can request an assessment of your child's needs and those of other family members affected by your child's disability, to find out what support services the local authority can offer. A wide range of family support services may be available including:

- family centres offering childcare
- breaks from caring, commonly known as respite care, family-based care or share the care
- home helps to assist with personal or domestic care
- family support groups
- befriending services
- special equipment and adaptations
- welfare benefits advice and representation
- suitable housing.

If your child has had one of these assessments, and is now being assessed to find out if they have **additional support needs** or if they require a co-ordinated support plan, then the local authority should take the information into account when deciding on the additional support they get.

Equality for Roma and Traveller children

The Scottish Government is committed to ensuring that Roma and Traveller children are not unlawfully discriminated against. If you are concerned that your child is having any difficulties learning, has missed a lot of school, or is being bullied, they may need additional support and you should ask for advice and help as soon as possible. You can approach your child's school, or contact Enquire staff on the helpline.

You can get more information from STEP at: www.step.education.ed.ac.uk

Equality for children who are looked after

If the local authority acts as 'parent' for a child or young person, it is responsible for their school education. All **looked after** children and young people are considered to have additional support needs. This is the case unless their local authority establishes that they do not have additional support needs. The authority must also consider whether each looked after child requires a co-ordinated support plan.

All local authorities should have comprehensive policies on the education of looked after children and have arrangements for liaising with the child and their parents or carers and with any other professionals involved.

The authority must have arrangements for keeping under consideration the additional support needs of, and the adequacy of the additional support provided to, any looked after child or young person for whom it is responsible. The local authority must review the circumstances of looked after children and young people within six weeks of them being placed. Thereafter, reviews must take place within three months of the first review and then at intervals of no more than six months. Schools should also report on the educational progress of each child or young person who is looked after. The child's care plan must make reference to their additional support needs and the support required.

If you are concerned that your child is having any difficulties learning at school, they may need additional support and you should ask the designated teacher at your child's school for advice as soon as possible.

You can also get advice from the child's nominated **social worker**, or from the organisation 'Who Cares? Scotland' at: www.whocarescotland.org

Glossary

Additional support needs

This is the legal definition of additional support needs from the Education (Additional Support for Learning) (Scotland) Act 2004, as amended. A child or young person has additional support needs for the purposes of the Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.

In this Act, ‘additional support’ means:

- a) in relation to a prescribed pre-school child (children entitled to a free nursery place), a child of school age or a young person receiving school education provision which is additional to, or otherwise different from, the educational provision made generally for children or, as the case may be, young persons of the same age in schools (other than special schools) under the management of the local authority for the area to which the child or young person belongs
- b) in relation to a child under school age other than a prescribed pre-school child, such educational provision as is appropriate in the circumstances.

Appropriate agencies

In this guide, ‘appropriate agencies’ means agencies that have a legal obligation to help local authorities carry out their duties under the ASL Act. These include any Health Board, any other local authority including its social work services, Skills Development Scotland, all colleges of further education and all institutes of higher education. The law also enables Scottish Ministers to name other agencies in the future.

Audiologist

An audiologist performs hearing tests and works with children and young people with hearing impairments.

Behaviour support teacher

A behaviour support teacher can provide advice to other staff and parents on how to manage pupils’ behaviour. They may also work with individual children and with small groups to help them manage their behaviour.

Child’s Plan

If a child or young person needs some extra support to meet their wellbeing needs such as access to mental health services or respite care, the professionals working with the child will prepare and co-ordinate support through a Child’s Plan. Creating a Child’s Plan is part of the Children and Young People (Scotland) Act 2014. More information is available at www.gov.scot/gettingitright

If a child has a co-ordinated support plan, this will form part of the Child’s Plan.

Every looked after child must have a care plan under the Children (Scotland) Act 1995. The plan should include information about services to be provided to meet the care, education and health needs of the child, responsibilities of all involved, arrangements for accommodation, and contact between the child and their parents. A care plan will form part of a Child's Plan.

Clinical psychologist

Clinical psychologists work with parents and others to assess a child to find out if they have personal, social, emotional or behavioural difficulties. Some clinical psychologists may specialise in a particular area, such as understanding, assessing and treating brain injury.

Contact person

Local authorities must have a contact person who will be responsible for providing information about local arrangements for additional support for learning.

Co-ordinated support plan (CSP) co-ordinator

A CSP co-ordinator will be appointed to be in charge of the CSP and will make sure people carry out the actions set out in the plan. They are also responsible for telling you, your child and everyone involved in providing additional support what is expected of them.

Curriculum for Excellence

This is the name given to the curriculum in Scotland. Its purpose is to enable each child or young person to be a successful

learner, confident individual, responsible citizen, and an effective communicator.

Disability

The legal definition of a disability, under the Equality Act 2010, is “a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities”. To be diagnosed with a disability, a person must be substantially affected in one or more of the following ways:

- mobility
- manual dexterity
- physical co-ordination
- ability to lift, carry or otherwise move everyday objects
- continence
- speech, hearing, eyesight
- memory or ability to learn, concentrate or understand
- perception of risk or physical danger.

Educational psychologist

Educational psychologists are fully qualified applied psychologists specialising in education. They have a wide range of duties that include contributing to assessments and giving advice to parents, schools, local authorities and other agencies about additional support needs and how best to help children and young people learn and develop.

English as an additional language (EAL) teacher

An English as an additional language teacher specialises in helping children whose first language is not English.

GP

GP stands for 'General Practitioner'. A GP is a fully qualified doctor who does not specialise in a particular area of medicine but who has a broad understanding of all illnesses. GPs oversee and support health and medical care in the community and will generally be based at your local health centre or surgery.

Getting it right for every child

This is a national programme that aims to improve outcomes for all children and young people in Scotland. It applies to all services working with children - social work, health, education, police, housing and voluntary organisations. The aim of this programme is to provide a framework for all services and agencies to deliver a co-ordinated approach.

Grant-aided schools

Grant-aided special schools are independent of local authorities but are supported financially by the Scottish Government. The schools provide education for children who have additional support needs, often because of long-term, complex or multiple factors. There is one grant-aided mainstream school - Jordanhill School in Glasgow.

Health visitor

A health visitor is a registered nurse who is employed to give advice to people, especially the parents of very young children, about health care, sometimes by visiting them in their own homes.

Independent school

An independent school is a school which is managed independently of any local authority and does not receive grant funding from the Scottish Government. It usually charges fees for providing full-time education for pupils of school age.

Independent special schools

Independent special schools are schools which are not grant-aided or under the management of a local authority, and offer enhanced provision for pupils who have additional support needs.

Key worker

A key worker is a professional who has regular contact with the child or young person and who can act as a single point of reference for the family and other professionals.

Lead professional

When two or more agencies (for example social work and health) need to work together to provide help to a child or young person and family, there will be a lead professional to co-ordinate the help. The lead professional is the main point of contact for parents.

Looked after

Some children and young people have difficult life experiences that may mean local authorities, the Children's Hearing system and the law courts need to get involved. The situation may lead to the child or young person becoming looked after by their local authority. A child may be looked after at home by their parents or looked after away from home through placement in foster, kinship or residential care. All children and young people who are looked after must have a regularly reviewed care plan.

Named Person

A Named Person is a single point of contact who can work with a child and their family to sort out any additional help, advice or support if they need it. The entitlement that **every** child will have a Named Person is likely to come into force in 2018 however some local authorities already have Named Person procedures in place.

Health visitors, head teachers or senior teachers will be the Named Person for most children and young people, depending on their age. They will also be the main contact for children and families.

Occupational psychologist

An occupational psychologist works in areas such as vocational interests and vocational guidance, or occupational aptitude.

Occupational therapist

Occupational therapists work with parents and others to assess a child to find out if they have difficulties with the practical and social skills necessary for everyday life. The therapist will aim to help the child be as physically, psychologically and socially independent as possible.

Orthoptist

Orthoptists specialise in eye care. They assess children's vision and treat visual problems or offer advice on strategies to help them. In education, visual difficulties need to be identified and treated to ensure successful learning.

Other agencies

A number of other agencies, such as voluntary organisations, may work with local authorities to support a child or young person's learning but, unlike appropriate agencies (Health Boards, for example), they do not have a legal duty to do so.

Paediatrician

A paediatrician is a doctor who has special training in medical care for children.

Physiotherapist

Physiotherapists assess and manage children with movement disorders, disability or illness. They aim to help the child reach their full potential and improve their quality of life by encouraging independence, physical fitness and wellbeing. They will do this by providing physical intervention, advice and support.

Placing request

A placing request is a formal, recordable request that a parent or young person aged 16 can make to a local authority for a place in a school that is neither the local catchment school nor the school recommended by the local authority. A local authority must reply to a placing request within set timescales and there is a right of appeal if a request is refused. Local guidelines on placing requests are available from the local authority.

School nurse

School nurses are involved with health promotion and education, prevention of ill-health, immunisation, health surveillance and screening. They will inform parents and the family doctor if further action is necessary and act as an important link between home and school. The school nurse can advise on issues such as soiling, bedwetting, and emotional and behavioural problems.

Social worker

Social workers can offer a range of support to individual children or to whole families. Services offered could include respite, holiday help, advocacy, befriending, help with behaviour management and money or benefits advice. If a child or their family already has a social worker, it is likely that he or she will be involved in deciding what additional support the child needs at school.

Speech and language therapist

Speech and language therapists work with parents and others to assess a child to find out if they have difficulties with speech and/or language, communication or eating and drinking. The therapist will consider how the difficulties might affect their life and, if appropriate, decide how the child can be helped to reach their full communication potential.

Support for learning teacher

Support for learning teachers advise other members of staff on the full range of teaching/learning strategies, methods and resources. Sometimes, they will provide individual tutorial support to a child who has additional support needs, or they might take small groups of pupils.

Therapist

There are a number of different types of therapist including physiotherapists and occupational therapists, speech and language therapists, music therapists, drama therapists and art therapists. Increasingly, therapists are seeking to transfer skills to parents and staff who work with children every day so that they are better able to help children reach their full potential.

If you have any questions about this guide or about your child's education, you can email your enquiry via our website or you can call our helpline and speak to trained advisers.

www.reach.scot offers advice to young people. The website features practical tips on what can help and includes young people sharing their views and experiences on all sorts of life issues that may affect their education and learning.

Contact:

Enquire, Children in Scotland, Level 1, Rosebery House,
9 Haymarket Terrace, Edinburgh EH12 5EZ

Helpline: **0345 123 2303**
(Access to interpreters through Language Line)
Office: 0131 313 8800
Email: info@enquire.org.uk
Website: www.enquire.org.uk

Find us on  www.facebook.com/EnquireASL
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ENQUIRE

Helping you understand additional support for learning

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Children in Scotland
Level 1, Rosebery House
9 Haymarket Terrace
Edinburgh
EH12 5EZ**

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office: 0131 313 8800

email: info@enquire.org.uk

web: www.enquire.org.uk



The Clear English Standard does not apply to pages 41 and 48.

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