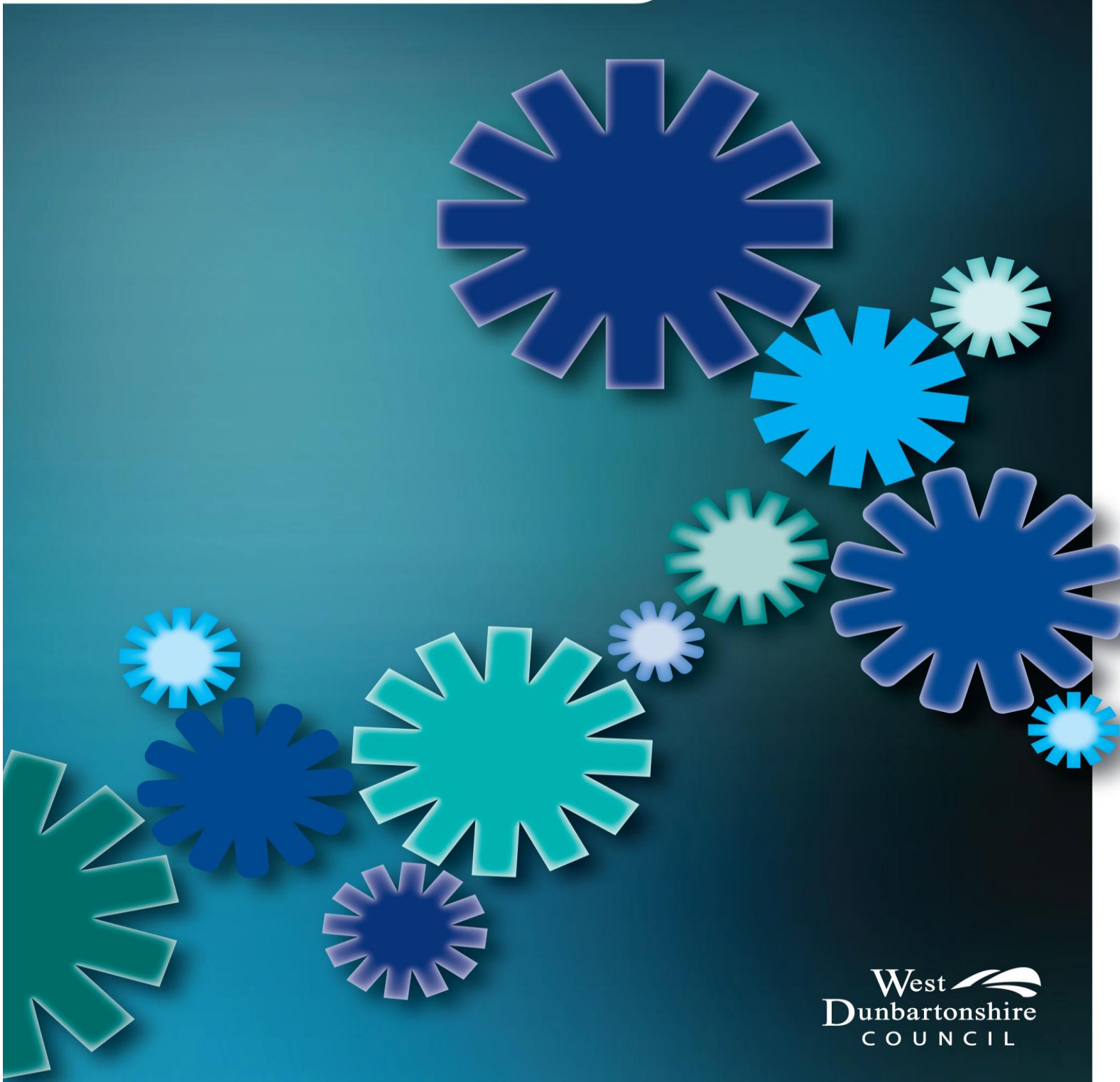


EDUCATIONAL SERVICES

A guide to: Additional Support Needs Legislation

Amended December 2015



A guide to: Additional Support Needs Legislation

Additional Support Needs Legislation

There have now been two laws passed about additional support needs

- The Education (Additional Support for Learning) (Scotland) Act 2004
- This Act was amended by Education (Additional Support for Learning) (Scotland) Act 2009

Additional Support Needs

These laws provide the legal educational framework underpinning the system for supporting children and young people, and their families. The framework is based on the idea of additional support needs. This broad and inclusive term applies to children or young people who, for whatever reason, require additional support. Children or young people may require additional support for a variety of reasons and may include those who:

- have motor or sensory impairments
- are being bullied
- are particularly able or talented¹
- have experienced a bereavement
- are interrupted learners
- have a learning disability
- are looked after by a local authority²
- have a learning difficulty, such as dyslexia
- are living with parents who are abusing substances
- are living with parents who have mental health problems
- have English as an additional language
- are not attending school regularly
- have emotional or social difficulties
- are on the child protection register
- are young carers.

The above list is not exhaustive nor should it be assumed that inclusion in the list inevitably implies that additional support will be necessary.

¹ Reference: Guidance for addressing the needs of highly able pupils, The University of Glasgow - http://www.gla.ac.uk/media/media_138127_en.pdf

² Within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36).

Rights of parents and young people

The Acts introduced rights for parents and young people. Parents have rights (and young people have these rights on their own behalf) to:

- request the education authority to establish whether their child has additional support needs;
- receive advice and information about their child's additional support needs;
- request, **at any time**, a specific type of assessment and/or examination to consider their child's additional support needs;
- request the use of mediation services;
- make use of dispute resolution arrangements³ for matters about additional support needs that are specified in regulations;
- make a placing request to the education authority requiring them to place the child or young person in a specified school. This can include an independent or grant-aided special school if their child has additional support needs;
- make a placing request to another education authority for their child to attend a school under the management of that authority;
- be informed of the outcome of requests under the Act, reasons why a request is refused and any applicable rights to have a decision reviewed.;
- request the education authority to establish whether their child needs a co-ordinated support plan or to review an existing plan;

³ Dispute resolution is used here to mean specifically the arrangements outlined in The Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005

- receive a copy of the co-ordinated support plan, and any amended plan;
- be asked for their views and have them taken into account and noted in the co-ordinated support plan;
- refer to the Tribunal⁴ specified matters relating to co-ordinated support plans, appeals against the refusal of placing requests to special schools and failures by an education authority in relation to their duties regarding school to post-school transitions;
- have a supporter with them or an advocate to present their case at any meeting with the school or education authority, in connection with the exercise of the education authority's functions under the Act and at Tribunal hearings, and/or
- have access to a free advocacy service in Tribunal proceedings.

⁴The term 'Tribunal' will be used to refer to 'Additional Support Needs Tribunal for Scotland' unless otherwise stated.

Functions and duties of education authorities

There are various functions and duties on education authorities for children and young people with additional support needs. Education authorities must:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs;
- make arrangements to identify additional support needs;
- review the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person;
- provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age);
- presume that all looked after children and young people have additional support needs unless the authority determine that they do not require additional support;
- presume that all looked after children and young people require a co-ordinated support plan unless the authority determine that they do not meet the requirements for having one;
- publish, review and update, information about their policy and arrangements for identifying, addressing and reviewing provision for each child or young person with additional support needs;
- provide parents of children with additional support needs (and young people with additional support needs), with the information they are required to publish under the Act;
- ensure that a summary of the information published under the Act is available, on request;

- provide the above summary in any handbook or other publications provided by any school;
- provide those children or young people who need one with a coordinated support plan and keep this plan under regular review;
- provide independent and free mediation services for those parents and young people who want to use such services and publish information on these services;
- have in place arrangements for resolving disputes;
- at least 12 months prior to the expected school leaving date, request, and take account of, information and advice from appropriate agencies likely to make provision for the child or young person when he or she leaves school, and/or
- no later than 6 months before the child or young person is expected to leave school provide information to whichever appropriate agency or agencies, as the authority think appropriate, may be responsible for supporting the young person once he or she leaves school, if the child's parent or young person agrees.

Further information can be obtained from

Enquire

www.enquire.org.uk

Scottish Government

www.scotland.gov.uk/Topics/Education

Education Scotland

www.educationscotland.gov.uk/supportinglearners/additional-supportneeds/index.asp

West Dunbartonshire Council

<http://www.west-dunbarton.gov.uk/education-and-learning/additional-support-needs>

Additional Support Needs Tribunal for Scotland (ASNTS)

www.asntscotland.gov.uk

Govan Law Centre

www.edlaw.org.uk

Leaflets in this series

A guide to...

- Accessing Specialist Provision in West Dunbartonshire Council
- Additional Support Needs Legislation
- Additional Support Needs in West Dunbartonshire Council
- Dyslexia
- Getting Help and Resolving Disagreements:
 - Mediation;
 - Dispute Resolution;
 - Additional Support Needs Tribunal for Scotland (ASNTS)
- Getting it Right for Every Child (GIRFEC)
- Going to Meetings to Discuss Your Child
- Staged Intervention
- The Central Support Service
- The Co-ordinated Support Plan (CSP)
- The Pre-school Assessment Team (PreScAT)

**For more information contact:
Additional Support Needs enquiries:**

Chris Smith, Education Manager – Children’s Services (01389 737374)
Anne Marie McDonald, Central Support Co-ordinator (0141 562 2492)
Pat Montgomery, Quality Improvement Officer (01389 737443)

Other formats

This document can be provided in large print, Braille, audio cassette, and can be translated into different languages.

Please contact:

Corporate Communications, Council Offices, Garshake Road,
Dumbarton, G82 3PU

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。
अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।
درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔