

# supporting children's learning

code of practice



SAFE

NURTURED

HEALTHY

ACHIEVING

RESPECTED

RESPONSIBLE

ACTIVE

INCLUDED



SCOTTISH EXECUTIVE

# supporting children's learning

code of practice

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# ministerial foreword



Our aspiration for all children and young people in Scotland is that they should be successful learners, confident individuals, responsible citizens and effective contributors to society and at work. They are our future and we all have responsibilities to ensure that they are safe, nurtured, healthy, achieving, active, respected and responsible, and included.

All children and young people need the support of our education system to help them to learn and to achieve their potential. We are determined to provide all our children and young people with a world-class education. We have set out a clear agenda to achieve this in our programme of reform *Ambitious, Excellent Schools*.

Most of our children and young people respond well to the opportunities for learning provided by our schools. We also know that without extra help some will not benefit fully from education. That is why we have consulted widely throughout Scotland to consider how our legislation, policies and practices can be improved. As a result, the Scottish Parliament passed the Education (Additional Support for Learning) (Scotland) Act in 2004 with the aim of creating a stronger, better system for supporting children's learning. This Act aims to ensure that all children and young people receive the additional support required to meet their individual needs and to help them make the most of their education.

The Act also gives parents rights. It gives them more say in their child's education and more opportunities to express their views about what support they feel their child needs. It helps them in their dealings with the local authority if they feel that their child is not getting the support which they think is required. And it provides children and young people themselves with opportunities to have their views considered in those significant decisions that affect their education.

We know that schools alone cannot deliver what all children and young people need to make the most of their education. Other agencies, particularly social work services and health, have a critical contribution to make and need to be involved. We are building on *For Scotland's Children* by promoting an integrated approach to the delivery of services and support for children and families. This is recognised in our Integrated Community Schools approach. We are working to improve and unify the support systems for children to ensure



they are supported into adulthood and have every opportunity to achieve the best they can. Through *Health for All Children 4* we are placing greater emphasis on health promotion, primary prevention and targeting effort on active intervention for children and families at risk.

The Act promotes partnership working among those involved in supporting children's learning. Local authorities and NHS Boards require to establish clear arrangements for joint working so that they can meet their responsibilities under the Act.

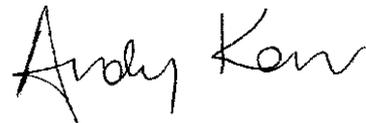
This code of practice has been drawn up in consultation with parents, children and young people and those working in education, health and social services and the voluntary sector. It provides guidance to local authorities and other agencies with functions under the Act. We will monitor the implementation of the Act carefully and we shall review the code, as necessary, in the light of experience of its implementation.

We believe that this Act will make a real difference to the lives of children and young people with additional support needs, and their families. It will build on the good practice that exists already in our schools and communities. It will help us realise our vision where every school is a centre of excellence which brings together the different services needed to support children, young people and their families. Our children, young people and families deserve no less.



**Peter Peacock**

Minister for Education and Young People



**Andy Kerr**

Minister for Health and Community Care

# acknowledgements

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# introduction

## Purpose of the Act

1. The Education (Additional Support for Learning) (Scotland) Act 2004 (“the Act”) introduces a new framework for providing for children and young people who require some additional help with their learning. The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It also promotes collaborative working among all those supporting children and young people.

## Purpose of the code

2. The code explains the new duties on education authorities and other agencies to support children’s and young people’s learning. It provides guidance on the Act’s provisions as well as on the supporting framework of secondary legislation. The code uses the term “the Act” to include, where appropriate, the secondary legislative provisions and includes features of good practice on how these can be applied. It also sets out new arrangements for avoiding and resolving differences between families and authorities.

## Status of the code

3. Education authorities and appropriate agencies, such as NHS Boards and social work services, are under a duty to have regard to the code when carrying out their functions under the Act. The code is designed to help them make effective decisions but it cannot be prescriptive about what is required in individual circumstances. Education authorities and appropriate agencies must ensure that their policies, practices and information and advice services take full account of the legal requirements of the Act. The code includes brief case studies and examples of good practice to illustrate some of the processes involved in applying the Act’s main provisions. These do not offer definitive interpretations of the legislation since this is ultimately a matter for the courts.
4. The code is intended to explain the principles of the new law and to illustrate how the law might operate in certain situations. It is important to an appropriate understanding of this new framework that this code of practice is read as a whole. Individual chapters should not be taken out of the context of the whole code or read in isolation from each other and the Act and the related secondary legislation. There are some issues which the code cannot resolve and which must await the authoritative interpretation of the courts. The code is not intended to be a substitute for taking appropriate advice on the legal implications of particular situations.



## Other legislation

5. The guidance in this code should be read alongside equality and other legislation and policy initiatives where appropriate. In particular, the development of an Integrated Assessment Framework<sup>1</sup> will have implications for education authorities' and other agencies' support for learning strategies. The guidance in the code has been written so that it does not inhibit future development of the framework. It reflects the principles underlying such a framework and refers to the need for integrated assessment and planning, where required. A summary of other relevant legislation and policy issues is provided at Annex A. The associated regulations and guidance circulars which are referred to throughout the code are contained within appendices to the code and do not form part of the code itself.

## Who should read the code?

6. Education authorities and other appropriate agencies should encourage and support their employees in gaining knowledge of the content of the code and understanding of its application in their day-to-day work. Parents and young people may wish to refer to the code for information and advice on exercising their rights. However, specific guidance is available for them from Enquire, the helpline funded by the Scottish Executive which provides information and advice on additional support needs.
7. Examples of professionals across agencies who are under a duty to have regard to the code, or others who may find it useful when carrying out duties under other legislation, include:

**Multi-agency planners:** policy officers, planners and service managers working in children's services planning networks across education, health, social care, further education and training.

**Education:** education directorate, head teachers, teachers, classroom assistants, educational psychologists, staff in schools and nursery provision, including partner providers for pre-school education.

**Early years and childcare:** nursery nurses, early years workers in family centres, staff delivering out of school provision.

**Health:** health visitors, public health nurses, community child health teams, paediatricians, physiotherapists, occupational therapists, speech and language therapists, other allied health professionals, clinical psychologists, and medical practitioners in paediatrics, general practice and child and family psychiatry.

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<sup>1</sup> See policy section in Annex A

# introduction

**Social work:** social workers, residential child care staff, support workers, adoption and foster care service staff and social workers with responsibility for child protection and looked after children.

**Voluntary sector:** staff working in the whole range of children's services.

**Other agencies:** professionals in other agencies who may be involved in integrated assessment teams, for example, childcare fieldworkers, youth workers, Children's Reporters, police, schools/community liaison team, community workers, staff working in careers services and in higher and further education.

## Definitions

8. A young person has the same meaning as under the Education (Scotland) Act 1980 (referred to here as "the 1980 Act") which is a person over school age (generally over 16 years) who is not yet 18 years of age and receiving school education. Throughout the code the term young people is used instead of young persons, for ease of understanding.
9. "Education authority" under the 1980 Act is defined as a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. In practical terms, the education authority and the local authority are the same entity. In general, the code refers to an education authority when considering a local authority's educational functions and to a local authority in respect of all of its functions including educational ones and others such as, for example, social work services.
10. The Act applies generally to pre-school provision, which is under the management of the education authority, made for prescribed pre-school children. This provision also can include provision where an education authority have an arrangement with another provider; for example, where the authority have arranged for children to attend a private nursery under a partnership agreement. In certain circumstances, described in Chapter 3, the education authority have a duty to make provision for certain disabled children under the age of 3 years.
11. The meaning of disability, used in the code, is as defined in the Disability Discrimination Act 1995 (c50), section 1(1). This states that "a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities".



### References in the code

12. The code refers to the Act and its associated regulations. References to the Act are in the margin of each page, for example s1(1)(a) refers to Section 1, subsection 1(a). References to the titles of other legislation or policies are also in the margin of each page.

### Transitional arrangements

13. The Act makes provision for safeguards for those children and young people who had a Record of Needs under the legislation repealed by the Act. These safeguards and the transitional arrangements are set out in the appropriate circular.

### Further information

Further information on the code of practice is available from:

Additional Support Needs Division  
Scottish Executive Education Department  
Victoria Quay  
Edinburgh  
EH6 6QQ

Tel: 0131 244 1589  
Fax: 0131 244 7943  
Email: [ASLAct@scotland.gsi.gov.uk](mailto:ASLAct@scotland.gsi.gov.uk)



# chapter 1

## Summary of the Additional Support for Learning Act

1. This chapter summarises the main provisions of the Education (Additional Support for Learning) (Scotland) Act 2004, referred to throughout this code as the Additional Support for Learning Act, or as, simply, the Act. This summary does not cover all of the Act's provisions and is provided for ease of reference. It is not an authoritative interpretation of the legislation which only the courts can provide.
2. The Additional Support for Learning Act introduces a new framework for supporting children and young people in their school education, and their families. This framework is based on the idea of additional support needs. This new term will apply to **children and young people** who, for whatever reason, require additional support, long or short term, in order to help them make the most of their school education. Children and 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 talented
  - have experienced a bereavement
  - are looked after
  - have a learning difficulty
  - 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.
3. The above list is not exhaustive nor should it be assumed that inclusion in the list automatically implies that additional support will be necessary.

### Functions and duties of education authorities

4. The Act confers various functions and imposes duties on education authorities in connection with the provision of school education for children and young people with additional support needs belonging to their area. Some of the main duties are listed overleaf.



### Education authorities must:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible
- make arrangements to identify additional support needs
- keep under consideration 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 disabled pre-school children (generally children under 3) belonging to their area who have been referred to the education authority by an NHS Board and have additional support needs arising from their disability
- publish, review and update, as necessary, specified information about their policy and arrangements in relation to provision for identifying, addressing and keeping under consideration such provision for each child or young person with additional support needs for whose school education the authority are responsible
- provide those children or young people who need it with a co-ordinated support plan and keep this 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/she leaves school
- 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/she leaves school, if the child's parent or young person themselves agrees.

### Powers

5. The Act gives education authorities the **power** to help children and young people belonging to their area who have or may have additional support needs, for whose school education they are not responsible. Those who may be supported include children and young people sent to independent schools by their parents and those being educated at home.

# chapter 1

6. Parents of the above children or young people may request the education authority to establish whether a child or young person has additional support needs or, if the education authority were responsible for the school education of the child or young person, would require a co-ordinated support plan. The education authority are not required to comply with the request but if they do they must provide the parents or young person with information and advice about the additional support required.
7. Managers of grant-aided or independent schools may request the education authority to establish whether a child or young person attending their school would require a co-ordinated support plan, if the education authority were responsible for the school education of the child or young person. The education authority are not required to comply with the request but if they do they must provide the managers of the school with information and advice about the additional support required.
8. Education authorities may arrange for children or young people with additional support needs to attend establishments outwith the United Kingdom which make provision wholly or mainly for those with such additional support needs.

## Appropriate agencies

9. The Act has an impact wider than education. It has significant implications for service providers and professionals working in the health and social work sectors and other appropriate agencies as well as on education authorities in respect of any of their functions. An appropriate agency must:
  - help the education authority in the exercise of any of its functions under this Act, if requested to do so by the education authority, unless the request is incompatible with the agency's own statutory or other duties or unduly prejudices the agency's discharge of its own functions.
10. Under the Act an appropriate agency can be:
  - any other local authority
  - any NHS Board.
11. The Act enables Scottish Ministers to make an order naming other appropriate agencies. In addition to the above, Scottish Ministers have determined that Careers Scotland, all Colleges of Further Education and all Institutions of Higher Education, in Scotland, are appropriate agencies for the purpose of the Act.



## Rights of parents and young people

s135(1)  
1980 Act (as  
amended)

12. The Act introduces new rights for parents and young people. The term “parent” has the same meaning as in the 1980 Act and includes “guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person”. 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 or requires a co-ordinated support plan
- receive advice and information about their child’s additional support needs
- request a specific type of assessment and/or examination when the education authority propose to establish whether a child or young person has additional support needs or requires a co-ordinated support plan (or where a plan is being reviewed)
- request the use of mediation services
- make use of dispute resolution arrangements for matters about additional support needs that are specified in regulations – generally matters not eligible to be considered by the Additional Support Needs Tribunal<sup>2</sup> for Scotland
- make a placing request to an education authority requiring them to place the child or young person in a specified school which can include an independent special school if their child has additional support needs
- 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, for example, through mediation or dispute resolution by independent adjudication, or referred to a tribunal or an education authority appeal committee where it concerns a placing request where there is no related co-ordinated support plan matter
- request the education authority to establish whether their child needs a co-ordinated support plan or to review an existing plan
- 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 tribunal specified matters relating to co-ordinated support plans and related placing requests
- 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.

<sup>2</sup> The term ‘tribunal’ will be used to refer to ‘Additional Support Needs Tribunals for Scotland’ unless otherwise stated.

# chapter 2

## Additional Support Needs

1. This chapter of the code considers the meaning of the terms “additional support needs” and “additional support” and considers the factors that may give rise to the need for additional support.

### Legal definition of additional support needs and additional support

- “(1) A child or young person has additional support needs for the purposes of this 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.*
- (2) In subsection (1), the reference to school education includes, in particular, such education directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.*
- (3) In this Act, “additional support” means –*
- (a) in relation to a prescribed pre-school child, 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 education 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.”*

s1

### Benefit from school education

2. The Act's reference to school education links both the 1980 Act and the Standards in Scotland's Schools etc. Act 2000 (referred to as “the 2000 Act”). The 1980 Act states that school education “means progressive education appropriate to the requirements of pupils in attendance at schools, regard being had to the age, ability and aptitude of such pupils”. It also places a general duty on education authorities to secure for their area adequate and efficient provision of school education. The 2000 Act requires the education authority to secure that school education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential. School education includes education provided by education authorities in exercising their duty to provide school education for eligible pre-school children, such as may be provided, for example, in nursery classes.

s1(5) 1980 Act

s1(2) 2000 Act



3. The benefit from school education which children and young people gain will vary according to their individual needs and circumstances. However, all children and young people benefit from school education when they can access a curriculum which supports their learning and personal development; where teaching and support from others meet their needs; where they can learn with, and from, their peers and when their learning is supported by the parents in the home and their wider community. A difficulty or particular need in one, or more, of these areas may lead to a requirement for additional support to be put in place to enable a child or young person to benefit from school education.

### What is meant by additional support?

4. All children and young people need support to help them learn. The main sources of support in pre-school provision and schools are the staff who, through their normal practice, are able to meet a diverse range of needs. With good quality teaching and learning and an appropriate curriculum most children and young people are able to benefit appropriately from education without the need for additional support.
5. Some children and young people require support which is additional to, or otherwise different from, the educational provision that is generally provided to their peers in order to help them benefit from school education. Some pre-school children receiving school education may also require additional support. In addition, as described in Chapter 3, education authorities have a duty to make provision for the additional support needs of disabled children under the age of 3 years in certain circumstances.
6. The definition of additional support provided in the Act is a wide one and it is not possible to provide an exhaustive list of all possible forms of additional support. Examples are provided below of forms of additional support which are common in our schools, and many more can be given. What is central to all these forms of support is that they have been identified as additional provision required to help individual children and young people benefit from school education, taking account of their particular needs and circumstances. The examples refer to particular situations but should be understood more widely. They can be used to suggest how the law might work in analogous situations. However, the examples are illustrative, not comprehensive, and they do not constitute an authoritative or exhaustive interpretation of the legislation.

s1(3)

7. Additional support for children and young people may include:
- a particular approach to teaching: for example, as used with children and young people with autistic spectrum disorders, dyslexia or sensory impairments
  - the deployment of personnel from within the school and education authority, as well as from other agencies: teacher, support for learning assistant or auxiliary; health, social services or voluntary agency staff
  - provision of particular resources: including information and communications technology (ICT), and particular teaching materials.
8. Examples of additional support provided from within education services to children and young people are the following:
- a learning assistant supporting a child with an autistic spectrum disorder in a nursery
  - class teacher helping a child by following a behaviour management programme drawn up in consultation with a behaviour support teacher
  - tutorial support from a support for learning teacher to help with a reading difficulty
  - designated support staff working with Gypsy/Traveller children on their site to help them improve their literacy and numeracy skills
  - in-class support provided by an English as Additional Language (EAL) teacher for a child whose first language is not English
  - a more able child at the later stages of primary school receiving support to access the secondary mathematics curriculum
  - use of voice recognition software by a child with dyslexia.

Mary is in primary 6. She comes from a highly mobile Gypsy/Traveller family. Distance learning materials had previously been provided but with limited effect and Mary had fallen behind her peer group in a number of areas. She is now settled in a school and is receiving support from a teacher experienced in working with Gypsy/Traveller children. The teacher advises the support for learning and classroom teachers in the school. Mary's level of conceptual development has been assessed independently of her literacy skills. She receives age appropriate resources and is included with children of her ability level.

Anna comes from a bilingual background and is fluent in her first language. She attends a mainstream primary school where she also receives additional language support from a visiting EAL teacher once a week. The EAL teacher works directly with Anna in class and offers advice and support to her class teacher and other teachers and staff who support Anna.



George is an able pupil in primary 6 who has completed the mathematics curriculum for primary school. His head teacher contacted the mathematics department in his associated secondary school who agreed to provide suitable support from their department. The secondary mathematics teacher liaised with the class and learning support teachers to provide an appropriate mathematics curriculum for George.

9. Some children and young people will require additional support from agencies from outwith education services if they are to make progress. Some examples are:
- social work support to help a young person remain drug free
  - communication programme drawn up by a speech and language therapist and teacher, for implementation in the classroom
  - an anger management programme delivered to a group of young people by staff from a voluntary agency
  - counselling provided by a voluntary agency for a child coping with bereavement
  - psychiatric support for a child with mental health difficulties
  - specialist equipment support from physiotherapy or occupational therapy
  - group or individual career support to engage choices for education, training or employment in preparation for leaving school.

Darren is a young carer of his mother who has mental health problems. He attends his local secondary school but has had significant absences because of caring for her. His mother's social worker and guidance teacher identified the extra burdens on Darren and the effect on his attendance. Darren's guidance teacher and his mother's social worker discussed the reasons for Darren's absences with Darren. The social worker arranged for a carer to support Darren's mother during the day, enabling Darren to attend school.

Kyle, aged 11, was placed with foster carers following several periods of serious offending with a group of older boys. As part of his care plan, social work staff began working with Kyle and his mother, who is a lone carer, to address his offending behaviour. Kyle also exhibited behaviour difficulties at school requiring close interagency collaboration to ensure an effective programme of support. Kyle benefited from three days in a behavioural support unit and two days in a mainstream class, per week. In mainstream he received additional support through a child support worker employed on a sessional basis within school. This support was co-ordinated through his care plan which incorporated his individualised educational programme.

s1(3)(b)

10. Children under school age who are not prescribed pre-school children will generally be under the age of 3 years and, therefore, unlikely to be receiving school education. In their case, additional support will be educational provision which is appropriate to their circumstances. For example, support may be provided by educational support services in the form of teachers who visit children at home every fortnight and advise the parents about suitable activities they can carry out to promote their child's development and learning.

# chapter 2

## What gives rise to additional support needs?

11. There is a wide range of factors which may lead to some children and young people having a need for additional support. These fall broadly into the four overlapping themes described below: learning environment, family circumstances, disability or health need, and social and emotional factors.
12. Schools are aware of their responsibilities to provide an effective and efficient education for all children and young people on their roll, including those with additional support needs. However, the educational experiences of some children may not take sufficient account of their individual needs and circumstances to ensure that they derive appropriate benefit from school education. A need for additional support may arise where the **learning environment** is a factor. For example “pupils may experience barriers to their learning, achievement and full participation in the life of the school. These barriers may be created as the result of factors such as the ethos and relationships in the school, inflexible curricular arrangements, and inappropriate approaches to learning and teaching”.<sup>3</sup> A child who is more able may need a more challenging curriculum in order to make appropriate progress. A child whose first language is not English may need additional support to access the curriculum.
13. **Family circumstances** may give rise to additional support needs; for example, where a child's or young person's home life is disrupted by homelessness, parental alcohol or drug misuse, or parental mental or physical health problems. Needs may arise where the pupil herself is a young mother, or is helping to care for disabled parents or siblings. The child or young person may be being looked after by the local authority or have recently left care or be in need of measures to secure their care and protection. In these circumstances support from social work services may be needed to ensure that the child or young person is able to benefit from education.
14. Issues relating to a **disability or health need** may mean that additional support is required; for example, where a child or young person has a motor or sensory impairment, specific language impairment, autistic spectrum disorder or has learning difficulties. Mental health problems such as attention deficit hyperactivity disorder and depression can disrupt learning and may lead to additional support being required from child and adolescent mental health services to ensure benefit from school education.

<sup>3</sup> From *How good is our school? Inclusion and Equality Evaluating education for pupils with additional support needs in mainstream schools HMIE (2004)*. For further information on “How good is our School?” please see the resources section



15. **Social and emotional** factors may also give rise to a need for additional support. A child being bullied or bullying may need additional support. A child experiencing racial discrimination may need additional support. A child with behavioural difficulties may require additional support to develop positive behaviour in school and to stop offending in the community.
16. Additional support needs may be of short duration, perhaps a few weeks or months, or could be long-term over a number of years. The factors which may give rise to additional support needs are wide and varied, because they relate to the circumstances of individual children.
17. The same factor may have different impacts on individual learning. For example, one child or young person may find that difficulties at home have an adverse impact upon his or her learning. Another child in apparently similar circumstances may experience a minimal impact on his or her learning.
18. A need for additional support does not imply that a child or young person lacks abilities or skills. For example, bi-lingual children or young people, whose first language is not English, may already have a fully developed home language and a wide range of achievements, skills and attributes. Any lack of English should be addressed within a learning and teaching programme which takes full account of the individual's abilities and learning needs. Similarly, deaf children may have support needs which are only related to language and communication issues. More able children or young people may require a more challenging educational provision than that of their peers. A young person with social and emotional difficulties may have talents in one area of learning or be capable of attaining highly across the curriculum. A child with learning difficulties may have very good interpersonal skills.
19. The requirement for additional support varies across a spectrum of needs and circumstances. Generally, it is preferable to ensure that support is provided in ways that are well integrated within everyday practice and do not single out the child requiring additional support. Some children, young people and families will find terms such as dyslexia or autistic spectrum disorder useful in helping them explain and understand any difficulties being experienced. Others may experience such terms as limiting and stigmatising. Children and young people, generally, are keen to be seen as being no different to their peers. Throughout, the requirement should be to view children and young people as individuals and to tailor support to their individual needs.
20. Chapter 3 describes in more detail the functions and duties on education authorities to identify, assess and make provision for additional support needs.

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## Meeting Additional Support Needs

### Introduction

1. This chapter of the code sets out guidance on the Act's provisions for identifying and assessing additional support needs, and making provision. It does so against a background of authorities' and agencies' evolving approaches to assessment and intervention. In particular, it reflects values and principles to be found in the development of an integrated assessment framework for professionals working with children and young people across education, health, social work services and other areas. It also draws on the definition of assessment to be found in the framework.

### Values and principles of assessment and intervention

2. Education authorities and other agencies should review their approaches to assessment and intervention in the light of the provisions of this Act. They should ensure that these approaches take account of the following values and principles which involve:
  - taking a holistic view of children and young people and their circumstances, and what they need to grow and develop and achieve their potential
  - seeking, taking account of and noting, the views of children, parents and young people
  - ensuring that parents, and young people, understand, and are asked to agree to, the aims of any assessment
  - ensuring that assessment is an ongoing, integrated process of planning, providing for, and reviewing, services for the individual
  - adopting the least intrusive and most effective course of action affecting the lives of children, young people and families
  - taking into account issues of diversity and equality and ensuring that outcomes do not discriminate against children, young people and their families. This includes not discriminating on grounds of race, disability, gender, sexual orientation, language, religion or belief, and age
  - working in partnership with parents to secure education for their children and to promote their child's health, development and welfare.



### Inter-agency co-operation

3. Those with additional support needs comprise a broad group of children and young people whose needs require to be identified, understood and addressed. Education authorities need to play their part in ensuring that there is effective communication, collaboration and integrated assessment and provision when other agencies are involved. For example, where a child or young person is looked after and accommodated, there will already be involvement from social work and health staff as well as, possibly, voluntary agency staff. Similarly, where children are within the Children's Hearing System, or need to be protected from harm, the relevant agencies must work together to ensure an integrated assessment of all of the child's or young person's needs.
4. Other agencies need to ensure that they engage with education. For example, in line with the guidance in Hall 4,<sup>4</sup> NHS Boards are introducing Universal Newborn Hearing Screening and are also providing for children's vision to be checked by orthoptists between the ages of 4 and 5 years. It is clearly important that NHS Boards have arrangements in place for sharing information with education authorities, as necessary, about children with difficulties in hearing and/or vision which may give rise to additional support needs.

### Duties on appropriate agencies

5. The Act promotes integrated working across agencies, in assessment, intervention, planning, provision and review. Appropriate agencies have a duty to help an education authority discharge their duties under this Act unless the help asked for
  - is incompatible with the agency's statutory or other duties; or
  - unduly prejudices the agency in its discharge of its own functions.
6. For the purposes of the Act, appropriate agencies can be any other local authority, any NHS Board or any other person specified by the Scottish Ministers. Those specified under regulations are Careers Scotland, Further Education Colleges and Higher Education Institutions.

s23(3)

<sup>4</sup> *Health for All Children 4* – the fourth edition of a Royal College of Paediatrics and Child Health report following review of childhood screening and surveillance practice across the UK.  
<http://www.scotland.gov.uk/Resource/Doc/37432/0011167.pdf>

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7. Where a child or young person is attending a school under the management of an education authority outside the child's home area by virtue of a placing request then it is that host education authority which are responsible for the school education of the child or young person. Under the powers in relation to appropriate agencies under the Act, the host education authority could request help from the local authority for the area where the child or young person belongs. More generally the Act provides that an education authority are responsible for the school education of any child or young person being, or about to be, provided with school education in a school under the management of the education authority, or under arrangements made or entered into by the authority. The Act also provides that references to a child or young person belonging to an area are to be construed in accordance with section 23(3) of the 1980 Act. The provisions of section 23(2) of the 1980 Act on contributions from the home education authority to the host education authority apply as they do within the framework of the 1980 Act. These are that where an education authority have provided school education, with or without other services, for any pupil, child or young person belonging to the area of some other authority, the education authority, may, if a claim is made, recover from that other authority such contributions in respect of such provision as may be agreed between the authorities or as Scottish Ministers may determine.
 

s23

s29(3)
8. An education authority are under a duty when establishing whether a child or young person has additional support needs, or would require a co-ordinated support plan, to seek and take account of relevant advice and information from such appropriate agencies and other persons as they think appropriate.
 

s12(2)
9. The Act also provides that no later than 12 months before the date any child or young person, having additional support needs, and for whose school education the authority are responsible, is expected to leave school, the education authority must request information from an appropriate agency that they consider is likely to be involved with the child or young person once they have left school. Authorities must also seek and take account of the views of the child or young person and their parents where they make such a request. The authority should in all cases consider whether or not it is appropriate to make such a request of any relevant appropriate agencies. Authorities can request information as they consider appropriate concerning any provision that the appropriate agency is likely to make for the child or young person on ceasing to receive school education. The information provided must then be taken account of by the education authority in considering the adequacy of the additional support to be provided for the child or young person, during the period before the child or young person ceases to receive school education.
 

s12(5)  
and (6)



10. These requests should be made at least 12 months before the child or young person is expected to leave school. Where the education authority become aware that the child or young person is to cease receiving school education less than 12 months before that date, the education authority should act as soon as reasonably practicable after they become so aware.
- s13(2) 11. No later than 6 months before the date on which any child or young person with additional support needs is expected to cease receiving school education an education authority must provide information about any child or young person with additional support needs to such appropriate agencies as they see fit. Any such information is to be provided only with the consent of the child's parent or the young person.
- s13(5)
- s23(1) 12. Where it appears to an education authority that an appropriate agency could, by doing certain things, help in the exercise of any of their functions under the Act, they may, specifying what these things are, request the help of that agency. In making a request the education authority should be very specific about the help they are requesting. For example, the education authority should ask an NHS Board to assess a child's or young person's vision or hearing where the child or young person is experiencing learning, behavioural, or speech or language difficulties.<sup>5</sup>
13. The Other Appropriate Agency Regulations made under the Act specify that appropriate agencies are expected to respond to requests for help within 10 weeks from the date the request is made by the education authority, subject to certain exceptions. An appropriate agency must comply with a request under this subsection of the Act unless it considers that the exceptions in section 23(3) of the Act, set out above at paragraph 5 apply.
14. The role of Further Education Colleges and Higher Education Institutions as well as Careers Scotland, as with all other appropriate agencies, will be in line with their statutory or other duties. For example, Further Education Colleges or Higher Education Institutions may be requested to help with provision of information and support relating to their provision. Other agencies, for example other local authorities or NHS Boards may be asked to assist with assessment of the child's or young person's need for certain support.

<sup>5</sup> Based on recommendations made in *Health for All Children 4* – the fourth edition of a Royal College of Paediatrics and Child Health report following review of childhood screening and surveillance practice across the UK. <http://www.scotland.gov.uk/Resource/Doc/37432/0011167.pdf>

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15. The role of Further Education Colleges, in line with the sector's statutory duties, may be to offer link courses to children and young people with additional support needs other than at the stage of transition. For example, Further Education Colleges may be involved in assisting the schools' sector to prepare pupils for the transition from school to appropriate further education courses at college. These courses may include "Skills for Work" or other courses for children under school-leaving age which form part of the links partnership between schools and a particular college. Such link courses should be designed to include assessment of the additional support needs of particular individuals that can then support transition planning at a future stage.
16. The help which may be requested from both Further Education Colleges and Higher Education Institutions may include a range of services to support transition from school to post-school provision such as:
  - visits to the college or university
  - early meetings with college Learning/Student Support Advisors, or university Disability Advisers, to discuss the type of support available
  - attendance at link courses or transition courses
  - the opportunity to talk with other students with additional support needs.
17. These types of support can be extremely helpful to a young person in the transition to college or university, as they may help reassure students that support will be available to resolve any concerns that they might have. Such help may also help reassure them that the issue of future support is being actively addressed.
18. Where it appears to an education authority that a young person may benefit from such support, it would be reasonable for Further Education Colleges or Higher Education Institutions to be asked for help under section 23(1).
19. Careers Scotland can:
  - help children and young people become more aware of the world of work
  - develop the career planning and decision making skills of children and young people
  - assist children and young people to enter appropriate education, training or work.
20. The design and delivery of Careers Scotland's products and services is intended to take account of the varied needs of individuals, including those with additional support needs.



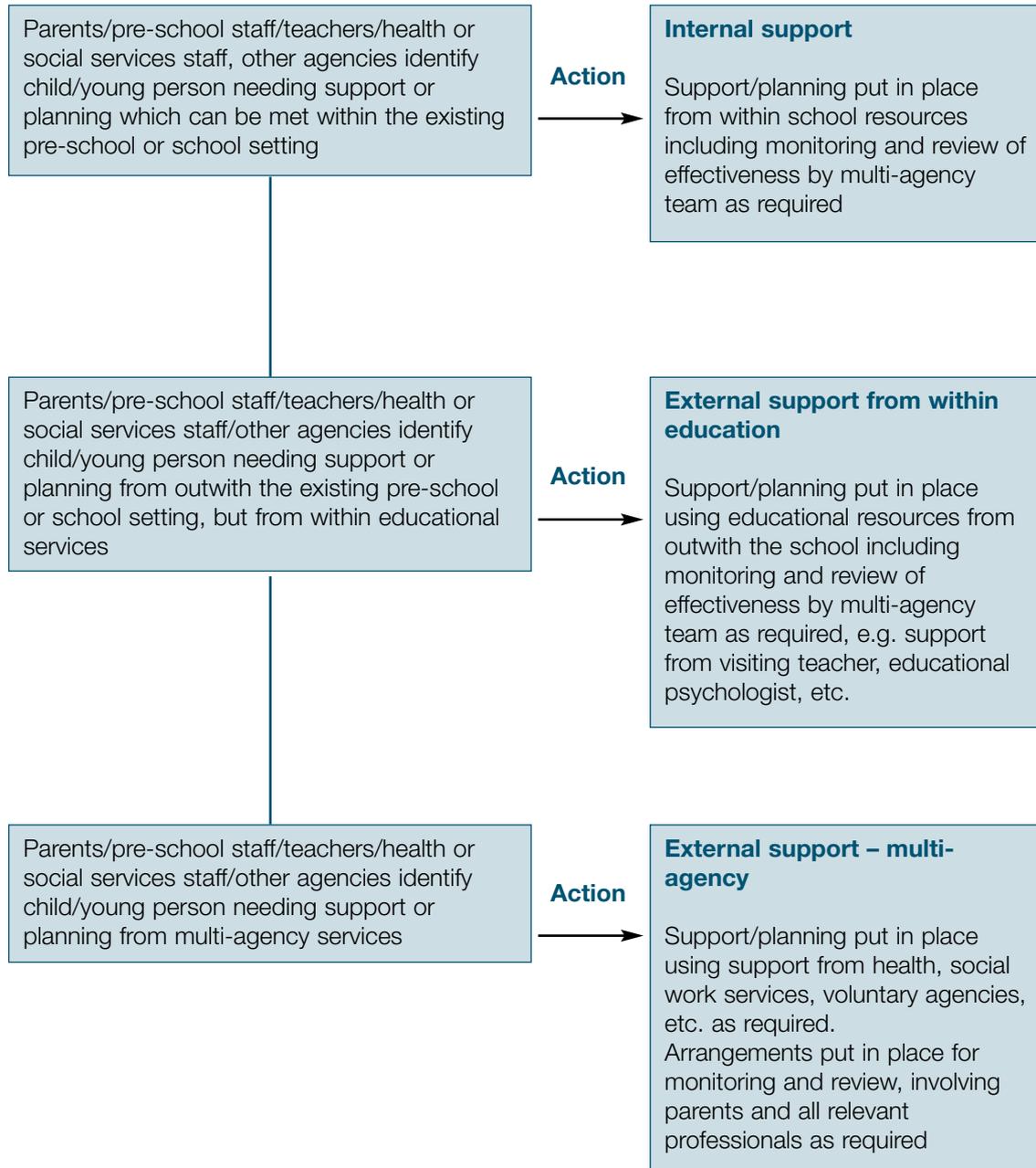
21. In addition to the support appropriate agencies may provide to individual children and young people, the provisions of the Act could also extend to discussion between the education authority and the appropriate agency to enable them to collaborate effectively.
22. Social work services belonging to another authority are considered to be an appropriate agency for the purposes of the Act. Social work services from the same council are not an appropriate agency but are covered by the Act. The Act requires an education authority to exercise any of their other functions (whether relating to education or not) if they consider that would help them in the exercise of their functions under the Act. This is subject to the exceptions based on compatibility with any of their statutory or other duties or being unduly prejudicial to the discharge by them of any of their functions.
23. It is expected that in most circumstances appropriate agencies will support an education authority when asked. Where there is a dispute between the authority and the appropriate agency as to the operation of the exceptions to the duty, it will be ultimately for the courts to decide, in particular circumstances, whether any agency is legitimately relying on the exception.
24. There will be circumstances where agencies are working with children and/or young people but are not defined as 'appropriate agencies' within the terms of the Act. For example, the police may be working with youth offenders, or a particular voluntary agency may be involved in providing a care package to a child in a family. Education authorities and such agencies will wish to continue working in partnership with each other. Likewise, Higher Education Institutions and education authorities may work together for the benefit of children and young people with additional support needs even where such support does not involve school to post-school transition arrangements.

### **Assessment and intervention**

25. Local authorities and other agencies use a wide range of approaches to support assessment and intervention and to promote inter-agency working. In education generally these approaches reflect a staged approach (most commonly 4 to 6 stages). Such approaches are built around discrete stages of intervention which seek to resolve difficulties as early as possible and with the least intrusive course of action.
26. The Act does not prescribe any particular model of assessment or intervention. The diagram overleaf shows some of the common features to be found in most staged assessment and intervention models.

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## Features of approaches to identification, assessment and intervention



## Children and young people for whom the education authority are responsible

### Identifying additional support needs

- s6(1)
- s26(2)
27. The Act requires education authorities to make appropriate arrangements for identifying from among the children and young people for whose school education they are responsible those who have additional support needs, and those who have additional support needs and require a co-ordinated support plan (considered in chapter 4) and the particular additional support needs of those so identified. The authority has to publish information explaining what these arrangements are.
- s6(2)
- s6(4)
28. Education authorities and schools should be able to identify most children and young people with additional support needs through their arrangements for assessing learning, and for monitoring the educational progress of children and young people. However, the Act makes provision for parents and young people to request the education authority to establish whether their child has additional support needs or requires a co-ordinated support plan. The authority must comply with the request, unless they consider it an unreasonable one, and must inform the parents, or young person as appropriate, of any additional support needs so identified. The request must be made in writing or any other permanent form as the parent or young person may choose (e.g. email, video or audio tape) and must contain a statement explaining the reasons for making the request.
- s28(2)
29. In most circumstances, it is expected that an education authority will comply with such a request from parents or a young person. Where the authority refuse to comply they must inform the person who made the request of their decision and explain their reasons for the decision. They must also inform the person making the request about the mediation services provided by the authority and about the arrangements for resolving disputes by independent adjudication. If the request asks the authority to establish whether a child or young person requires a co-ordinated support plan, or to carry out a review of a plan already in existence, then the authority must inform the person making the request of the right to refer the case to a tribunal. If the request refers to a placing request then the authority must also inform the person that the case can be referred to the education authority appeal committee or to the tribunal; in the latter case the placing request would relate to a co-ordinated support plan, which was either in existence or where it has been established that a co-ordinated support plan is required but it has not yet been prepared.

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30. There will be circumstances where it comes to the attention of the authority (for example, through a teacher, paediatrician, social worker or therapist) that a child or young person may have additional support needs or requires a co-ordinated support plan. In these circumstances the authority must establish whether the child or young person has additional support needs, or requires a co-ordinated support plan, unless the authority consider it unreasonable to do so. The authority should inform any person making such a referral of their conclusions where the education authority consider it appropriate to share such information and there is no legal barrier to such sharing.

s6(5) and (6)

## Assessment

31. In this code, assessment is seen as an ongoing process of gathering, structuring and making sense of information about a child or young person, and their circumstances. The purpose of assessment ultimately is to help identify the actions required to maximise development and learning. Assessment plays a key role in the authority's arrangements for identifying children and young people who have additional support needs and who, of those, require a co-ordinated support plan. Assessment is a process supported by professionals and parents. It identifies and builds on strengths, whilst taking account of needs and risks. The assessment process also assumes the negotiated sharing of information by relevant persons and agencies where the law, best practice and policy allow or require it.
32. Assessment is a dynamic process. As a result it should not be divorced from other aspects of the child's life either at school, home or in the community. It will usually include discussion with parents and professionals involved with the child or young person, for example, class teacher, support for learning staff, speech and language therapist, social worker, foster carer or residential worker. It should build on other assessment information already available. It may involve observation in one or more day-to-day situations and/or individual work with the child or young person as required. The education authority should always endeavour to seek and take account of the views of the child or young person unless there are particular circumstances to prevent this happening, or which make it inappropriate.
33. Where it is required by virtue of the child's or young person's additional support needs, the assessment process should seek effective multi-agency consultation and/or collaborative working. Education authorities must seek and take account of relevant advice and information (including assessments) from such appropriate agencies and such other persons whom they think appropriate in establishing whether a child or young person has additional support needs, or requires a co-ordinated support plan, or in preparing a plan or carrying out a review of a co-ordinated support plan. Those involved from outwith the education authority may be health services. For example, with the consent of the parents or young persons themselves, an education

s12(2)



authority may request an NHS Board to assess the hearing or vision of a child or young person where the authority are seeking to establish whether the child or young person has additional support needs. The education authority must also take account of any relevant advice and information available from sources within the local authority, other than from education. Such a source is most likely to be the local authority's own social work services.

34. The education authority must also take account of any relevant advice and information provided to them by parents on behalf of their child, or by the young person. For example, if the parents have privately commissioned an assessment or report on the child or young person, or the young person has commissioned the report, then the authority must take that report or advice into consideration if asked to do so. Also, the authority must seek and take account of the views of parents and, where appropriate, of children and young people themselves. Further information is provided in Chapter 6 – working with children and families.
35. When seeking the views of parents, young people and, where appropriate, children, and when carrying out an assessment, education authorities need to take into account the parents', young people's or child's preferred method of communication. For example, assessments of bilingual children should take into account the child's level of skills in the first language as well as their educational attainment.

### Requests for assessment

s8(1) and (2)

36. The Act enables parents or young people, to request an education authority to arrange for a child or young person to undergo a process of assessment or examination. This right applies when the authority is proposing to establish whether a child or young person has additional support needs or requires a co-ordinated support plan, or the authority propose to review an existing plan.

s28(1)(a)  
and (b)

37. Any such request from the parents must be in writing or in any other permanent form which can be referred to in future, such as video or audio tape, and should contain a statement of the reasons for the request. The request can be for an educational, psychological or medical assessment or examination or any other assessment or examination which the parents wish for, including any combination of these. In the case of an assessment or examination requested by the education authority from another appropriate agency such as an NHS Board (e.g. related to speech and language, hearing or vision) then the other agency must comply with the request unless it considers that the request is incompatible with its own statutory or other duties or unduly prejudices its discharge of its own functions. As provided for in the Other Appropriate Agencies Regulations, other agencies are obliged to respond to a request for help, which could include assessment, from the education authority within

s8(4)

## chapter 3

a period of 10 weeks from the date the request is made, unless one of the statutory exceptions applies in the particular circumstances of a specific request by an education authority of the appropriate agency.

s23(3) and  
(4)

38. The education authority must comply with the request from parents or young people for assessment unless the request is unreasonable. An unreasonable request is not defined in the Act. However, unreasonableness in this context is an objective test – what a third party might consider unreasonable. It will be for the education authority to consider each individual case on its own facts and circumstances. In some circumstances an authority will need to consider carefully whether to comply. For example, the authority may decide not to comply with the request where assessment:

s8(1)

- may not be in the best interests of the child or young person
- may not be seen as being 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 was completed
- may be within an inappropriate timescale, e.g. falling within a short time of a previous request
- may repeat assessments already carried out.

39. Parents or young people may request other types of assessment beyond education. It is for the education authority to consider who is the appropriate person to carry out the particular process of assessment or examination. Education authorities are not required to arrange for examinations or assessments to be carried out by named individuals or organisations requested by the parents or young person. The education authority may take into account information from social work services or voluntary organisations who are involved with the child or young person. Where a range of assessments is required, the education authority should seek to bring these within one assessment process to avoid duplication and placing the child or young person, and his/her family, under stress.

s8(3)

40. Psychological assessment will normally include assessment by an educational psychologist employed by the education authority. In cases where other psychologists (e.g. clinical or occupational psychologists) may have relevant knowledge or information about the child or young person, they should be consulted and their advice recorded and considered.



41. The NHS Board for the area in which the child or young person resides will arrange for provision of assessment or examination, subject to the consent of the child, from the relevant health professional(s) such as, for example, from medical, nursing, speech and language therapy, occupational therapy, physiotherapy, audiology or orthoptics. Such assessment or examination should take into account relevant information from other professionals as appropriate.
42. A social work assessment may highlight specific issues in the child's or young person's life which are impacting on his/her ability to benefit from school education. For example, there could be child protection concerns linked to domestic abuse, parental substance misuse or mental or physical health problems within the family; or there may be concerns about a young person's offending behaviour; or concerns about a child or young person who has experienced bereavement or loss. A social work assessment should normally be sought when considering a residential placement.
43. Once an assessment request has been made the process should be managed by appropriate staff within the education authority, school or other appropriate agencies. The parent or young person should be provided with contact details for the person managing the process to enable them to be updated on progress. The request for assessment should be acknowledged as soon as possible and the response to a request for assessment should be made within 10 weeks.<sup>6</sup> The 10 week period begins when the education authority requests the assessment from the appropriate agency. Education authorities should therefore have arrangements in place to make sure that requests are processed without undue delay. In any case where the appropriate agency considers that it cannot meet the timetable it should notify the education authority.
44. As in paragraph 29 above, where an education authority decide not to comply with any request made to them under the Act, including a request for assessment, they must inform the person who made the request, such as the young person or parents, in writing of their decision not to comply and must explain why they are refusing the request. They must also inform the parents about their right to access mediation services provided by the education authority and arrangements for dispute resolution by independent adjudication and, where appropriate, the tribunal.

s28(2)

<sup>6</sup> This provision is contained within The Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005.

# chapter 3

## Early years: children under the age of 3 years

45. The Act requires an education authority to provide additional support to certain disabled pre-school children in their area, normally those who are under 3 years old. This duty applies where such children have been brought to the attention of the education authority by an NHS Board as having, or appearing to have, additional support needs arising from a disability within the meaning of the Disability Discrimination Act 1995, and it is established by the education authority that they do have such needs, for example, following referral from the Newborn Hearing Screening Programme. Once the NHS Board has brought the child to the attention of the education authority, then the authority may establish whether the child has additional support needs arising from a disability under its arrangements for identifying and providing for children with additional support needs.
46. If the education authority then determine that the child has additional support needs arising from a disability, they must provide such additional support as is appropriate for the child. The education authority has a discretion in relation to the NHS Board referral. It is expected that only in exceptional circumstances would the authority not exercise its power to establish whether the child has additional support needs. For example, in circumstances where the parent may not wish an assessment to be carried out or the assessment may require to be delayed because the child is ill. Where the education authority decide that there are no additional support needs arising from a disability the authority should inform the parents and the NHS Board in writing of the decision and the reasons for it.
47. The education authority should monitor the numbers of children under 3 years of age receiving support and the nature of that support in order that plans can be made to ensure their needs are met on transition to pre-school provision.
48. In good practice, and with effective communication between health and education services, the child may already be known to the education authority before the formal referral is made by the NHS Board. Monitoring by health professionals, such as health visitors, general practitioners and community paediatricians, can identify children with likely additional support needs arising from a disability early in their lives, often at, or just after, birth. In good practice the needs of an identified child will be considered by a community team with relevant representation from health, education, social work and voluntary agencies. In partnership with the parents, the team will consider assessment and intervention approaches. This process will also inform the planning of support when the child enters pre-school provision and/or school. Often a key worker who has regular contact with the child may be identified from any one of the agencies involved.

s5(2) and (3)

s6(1)

s5(2)



49. The team should aim to ensure a co-ordinated approach to gathering information and to avoid parents having to repeat information more than once. Such an approach also provides a holistic view of the child within his or her family and community context and enables early assessment of medical, social and/or learning needs to identify appropriate services for example, for vulnerable children.
50. Outcomes of the process of identification and assessment for very young children and their families are:
- clarification of the child's needs
  - agreement as to what, how, where, when and by whom support will be provided and monitored
  - an action plan which details the provision, and explains to the parents how they can contribute
  - the identification of a key worker who acts as a single point of reference for the family and other professionals.

Phillipa is a 1 year old child with complex medical needs resulting in significantly delayed development. She has been referred to the education authority by the local NHS Board for consideration of her additional support needs arising from her disability. A multi-disciplinary community assessment team is co-ordinating a multi-agency support package for Phillipa and her family. This includes support from a home visiting teacher. It is clear that her needs are complex and enduring and will require significant multi-agency support. It was agreed that in addition to the current additional support the preparation for a co-ordinated support plan will begin before her third birthday.

#### Early years: prescribed pre-school children<sup>7</sup>

s6(1) and (2)

51. The Act places a duty on education authorities to make appropriate arrangements for identifying those children for whose school education they are responsible, who may have additional support needs. At the pre-school stage, this duty will cover a child with additional support needs who is in pre-school provision managed by the education authority or in a partnership nursery under arrangements made by the education authority. It may involve also a child who is about to be provided with school education (including pre-school education), either in a school under the management of the authority, or through arrangements entered into by the authority.
52. Some children in pre-school provision will previously have been identified under the age of 3 years as having additional support needs arising from a disability. However, there will be others in pre-school provision who have a range of additional support needs. Early years staff, in partnership with parents, have a key role to play in identifying children who may require additional support.

<sup>7</sup> See glossary for definition of prescribed pre-school children

# chapter 3

53. The Act gives education authorities the power, but not the duty, to identify and make provision for prescribed pre-school children under school age for whose school education they are not responsible. These are children who may be in private nurseries or being educated at home. The form the provision may take is similar to that made available to children in primary and secondary schools as described below.

## School years

54. Education authorities are required to identify the additional support needs of each child or young person for whose school education they are responsible. This can be achieved in a range of ways. Any person working with the child, or young people themselves, could draw attention to the fact that difficulties with learning exist. For example, this person might be the parent, class teacher, a member of the school health team, educational psychologist, social worker or any person who has been working with a child or young person. All education authorities, (and all schools) should have a clearly set out policy that describes procedures for identifying additional support needs. All education authorities and appropriate agencies should ensure that their processes for identification, assessment, intervention, monitoring and review take account of the need for multi-agency and collaborative working.
55. Within a school these processes typically follow the path outlined below with the aim of identifying and meeting the child's additional support needs at the earliest possible stage:
- the teacher identifies children or young people who need a greater level of attention or planning than is generally required by the majority of children or young people in the class
  - the teacher consults with, and seeks help from, other school support, such as learning support staff
  - if action at this stage does not resolve the issue, the school in consultation with colleagues and with parents seeks information and advice from educational services outwith the school, such as, for example, from a visiting teacher or educational psychologist
  - the teacher and the school incorporate this information and advice into their practice with the child or young person in the school
  - if action at this stage does not resolve the issue then support from services from appropriate agencies outwith education may be required, such as, support from health or social work services. The authority may also look to voluntary agencies for information or advice or from a voluntary agency under a service level agreement. Where more than one agency is, or should be, involved with the child or young person then the education authority and agencies should develop an integrated plan of assessment, intervention and review.

s6(1)



56. There are variations of the above model in operation. Educational services from outwith the school, such as visiting teachers or educational psychologists, may provide advice to the classroom teacher at the early stages when concerns are first expressed, and before these services become directly involved in working with the child and family. This may also apply to services from outwith education where collaborative working is a feature of the work of the school, such as is found in integrated community schools. This overall approach can be very effective where it leads to a resolution of the issue which avoids the need for formal referrals to these services, and provides the class teacher with advice on approaches which may prove successful when similar circumstances arise in the future.

At parents' night Mai Ling's primary 4 class teacher explained to her parents that while Mai Ling's oral skills were very good, she had difficulties with reading and spelling. These difficulties were beginning to have an adverse impact on her progress in other areas of the curriculum and the class teacher was concerned that Mai Ling might have a form of dyslexia. The parents agreed with the class teacher that the learning support teacher should be asked to assess Mai Ling with a view to determining how best she could be helped in the classroom, whether or nor she has dyslexia and what extra support the parents could give her at home.

### Children and young persons for whom the education authority are not responsible

57. There will be children and young people belonging to the area of an education authority but for whose school education the authority are not responsible. These may be children and young people who are attending independent or grant-aided<sup>8</sup> schools as a result of parental choice, or who are being educated at home. In these circumstances, the parents (or young person) may ask the education authority to establish whether the child or young person has additional support needs, or would require a co-ordinated support plan, if the authority were responsible for the school education of the child or young person. The education authority may comply with the request but are not obliged to do so. In the case where an education authority exercise this power any education plan drawn up, for example an individualised educational programme might include arrangements for provision for home education. In reaching a decision to refuse the request education authorities should consider each case on the basis of its own facts and circumstances.
58. Managers of independent and grant-aided schools may also request the education authority to establish if the child or young person would require a co-ordinated support plan, if the authority were responsible for the school education of the child or young person. Again, the education authority may comply with the request but are not obliged to do so.

s7(1) and (2)

<sup>8</sup> See glossary for grant-aided schools

# chapter 3

59. Where the education authority refuse to comply with the request they must inform the person who made the request of their decision and explain their reasons for the decision. They must also inform the parents or young person making the request about the mediation services provided by the authority and about the arrangements for resolving disputes by independent adjudication. s28(2)
60. There may be circumstances where there is no request as such but it is drawn to the attention of the authority that a child or young person belonging to their area, but for whose school education they are not responsible, may have additional support needs. For example, the authority may be aware of a child being educated at home who may have additional support needs. The education authority are not obliged to carry out an assessment but they may, if they wish, establish whether the child has additional support needs by, for example, arranging for an assessment to be carried out by a teacher or educational psychologist. In these circumstances the authority will normally seek the agreement of the parents or young person, as appropriate.
61. Where the education authority do respond to a request, or decide to assess a child or young person to whom their attention has been drawn, then they must provide the persons making the request with such information and advice about the additional support required by the child or young person as they consider appropriate. In the case of a child, the parents should always be informed about any additional support which the child requires. However, the authority have power but are not obliged to make provision for the additional support needs so identified. s7(7)

## Making Provision

62. The Act requires that the education authority must make adequate and efficient provision for such additional support as is required by **each** child or young person with additional support needs for whose school education the authority are responsible. In other words the Act places a duty on the education authority with regard to **individual** children or young people with additional support needs. Conversely, the authority could be held to be in breach of a duty if it fails to make adequate and efficient provision of additional support for a particular individual with additional support needs. This adds to existing legislation in the 1980 Act which requires that an education authority make adequate and efficient provision of school education for their area. s4(1)



s4(2)

63. The above duties under the Act do not require an authority to do anything outwith their powers, or which would result in unreasonable public expenditure. The Act does not define unreasonable public expenditure. Decisions regarding what can be considered adequate and efficient provision, and unreasonable public expenditure, can only be judged in the light of each child's or young person's circumstances. Expenditure may be unreasonable where the cost incurred would be completely out of scale with the benefits to the child or young person or where suitable alternative provision is available at a significantly lower cost. It may be unreasonable where substantial expenditure on new facilities would be completely out of scale to the benefits to the wider community. Cost should not be the primary consideration in determining what provision is to be made. For example, an education authority will wish to consider whether the expenditure in providing for a particular child or young person may be of benefit to others in the future. Where the education authority refuse to comply with a request on the grounds of the request being outwith their statutory powers, or likely to incur unreasonable expenditure, they must inform the person who made the request of their decision and explain their reasons for the decision.

64. Where a child or young person is attending a school under the management of an education authority outside the child's home area by virtue of a placing request then it is that host education authority which are responsible for the school education of the child or young person. That authority would be responsible, for example, for establishing whether the child or young person has additional support needs and/or requires a co-ordinated support plan, as well as the other duties incumbent on them as the authority responsible for the child's or young person's school education.

s4(1)(b)

65. The education authority should ensure that the authority's policy on additional support needs explains clearly the procedures used by their authority, and in their schools, to monitor and review the progress being made by children and young people with additional support needs, and the effectiveness of any additional support provided.

s5(1)

66. The Act requires education authorities to take account of the additional support needs of children and young people with such needs when carrying out any of their functions in connection with the provision of school education. Education authorities will wish to review all their policies relating to the provision of school education to ensure that this general duty is met.

# chapter 3

67. The above duties apply to children and young people for whose school education the authority are responsible. However, there are circumstances where an education authority are not responsible for the school education of particular children and young people belonging to their area. These circumstances may include children and young people being educated at home or attending independent schools, or grant-aided schools under arrangements made by their parents. In these circumstances, the authority may provide the additional support required for children and young people belonging to their authority area, but they are not obliged to do so. The education authority will wish to keep appropriate records for planning and monitoring purposes where additional support is provided in such circumstances as well as more generally.

s5(4)

## Early years: children under the age of 3 years

68. As described previously, the education authority have a duty under the Act to provide additional support in certain circumstances to disabled children belonging to their area, who are under 3 years old and are not a prescribed pre-school child. The nature of that support will depend on the circumstances of the individual child but may include support from a pre-school home visiting teacher and/or attendance at a pre-school centre. The authority may make provision for children, including children under the age of 3 years with additional support needs, but who are not disabled. However, they are not obliged to make such provision.

s5(2) and (3)

s5(4)

## Early years: prescribed pre-school children

69. The authority has a duty to make adequate and efficient provision for such additional support as is required by each child or young person with additional support needs for whose school education the authority are responsible. This includes prescribed pre-school children being educated by the authority in its own provision or, for example, in partnership nurseries. The nature of this support will depend on the circumstances of each individual child but the range of support available will in many cases be the same as, or very similar to, that which is available to children in schools.

s4(1)



### School years

70. The needs of most children and young people who require additional support will be met through the range of provision available within the school. In chapter 2 additional support was referred to under three overlapping broad headings: approaches to teaching, provision of personnel and provision of resources. It is clearly not feasible to list all the forms of support but some of the common ways support can be provided to the child or young person within the school include:

- differentiation of the curriculum, including resources and materials
- possible implementation of an individualised educational programme incorporating SMART (Specific, Measurable, Attainable, Relevant, Timed) targets
- specific support from a classroom assistant/additional support needs assistant/behaviour co-ordinator
- group work support within the school provided by teaching and/or social work staff
- peer support arrangements such as buddying, paired reading and circle time
- support from a therapist working directly with the child or young person, and/or working through another such as a teacher or parent following therapist's advice
- individual or small group teaching.

71. Where difficulties persist, a progressive process of assessment and intervention will inform the next steps in learning. Consultation with parents and the child or young person, support staff and agencies outwith the school may be necessary. Additional support may be given within or outwith a classroom or mainstream school context. For example, some children may benefit from attending a unit within the school on a full- or part-time basis. Others may benefit from provision in a special school.

### Planning: educational plans

72. Planning for learning is an ongoing process subject to continuous review, through pre-school, school and beyond into lifelong learning. Most children and young people who require additional support will have their learning needs met by the day-to-day classroom practice in pre-school and school settings. This practice is subject to the normal self-evaluation and external professional monitoring and quality assurance procedures in place in school education. More formal planning arrangements may be required where additional support is needed from other education services and other appropriate agencies. For example, an educational psychologist may be called on to advise on appropriate targets for a particular child or young person. Other non-education services may be involved in a joint or shared assessment of a child or young person. In such circumstances an integrated plan of action will be appropriate.

## chapter 3

73. In all circumstances, planning should aim to ensure the effective co-ordination of support, including parents and the child or young person, so that it is clear what the intended learning outcomes are and what additional support is required to achieve these. Every opportunity should be taken to ensure that there is an integrated action plan for a child or young person where more than one agency or service is involved. Such an integrated action plan may be made up of different elements; for example, an individualised educational programme may be appended to a looked after care plan. In this way, the professionals working with the child or young person use one integrated action plan with shared educational objectives. The following paragraphs consider the plans most likely to be used with children and young people who require additional support for learning.

### Personal learning planning

74. Personal learning planning helps children, young people and parents to be clear about the goals of learning, including those for personal development. Its focus is on supporting dialogue among teachers, parents, children and young people, and ultimately about engaging children and young people in their own learning. The purpose of record keeping and documentation is to support the process of personal learning planning rather than these being ends in themselves. This should be done in whatever way suits learners and the school best. 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. Further detailed information about personal learning planning can be obtained from the Assessment is for Learning website which is noted in the resources section. This covers:

- sharing criteria
- involvement of pupils
- gathering evidence
- record keeping
- individual and group personal learning planning
- meeting the needs of pupils with additional support needs
- extracts from case studies.



### Individualised educational programme

75. Where children or young people require more detailed planning for learning than can be catered for through personal learning planning, or where substantial adaptation to the curriculum is being considered, an individualised educational programme may be appropriate. An individualised educational programme describes in detail the nature of a child's or young person's additional support needs, the ways in which these are to be met, the learning outcomes to be achieved, and specifies what additional support is required, including that required from agencies from outwith education. Where appropriate, an education authority should work with health, social work or voluntary agencies to draw up the programme so that objectives and services can be co-ordinated.
76. Many local authorities have a policy which explains the circumstances under which individualised educational programmes are used. Some have developed a template for an individualised educational programme which can be completed electronically. Through the *Success for All* project the Scottish Executive has published advice on individualised educational programmes together with an electronic version of such a programme, called *IEP Scotwrite*. This advice together with *IEP Scotwrite* is available on the Learning and Teaching Scotland Inclusive Education website contained within the resources section.

### Co-ordinated support plans

77. There is a small number of children and young people with significant additional support needs arising from enduring complex or multiple factors who require support from at least one agency from outwith education. These children may require a co-ordinated support plan, which is described in detail in the following chapter, to ensure that the support for learning is co-ordinated effectively across agencies.

### Planning: agencies outwith education

78. There is a range of plans, which a child or young person may have. Education authorities and other agencies should seek to ensure that assessment for, and production of, learning plans takes account of any other planning processes within the local authority and across agencies. Educational objectives should be shared across plans. In particular, education plans should link with any health or social care plan. This will help prevent duplication and facilitate the co-ordination and implementation of support for children and young people.

## chapter 3

79. Particular issues may arise with statutory care plans. There is a statutory duty on the local authority as “corporate parent” to review the cases of children and young people looked after by them. Although the emphasis of the care plan will quite properly focus on the child or young person in placement, and contact arrangements with the family, it must also reflect fully the child’s or young person’s learning needs. Effective planning is important to ensure that children and young people receive the services they need.

s31 1995  
Act

“Children who are looked after should have the same opportunities as all other children for education, including further and higher education, and access to other opportunities for development. They should also, where necessary, receive additional help, encouragement and support to address special needs or compensate for previous deprivation or disadvantage.”<sup>9</sup>

80. As discussed earlier, where a child or young person is attending a school under the management of an education authority outside the child’s or young person’s home area by virtue of a placing request then it is that host education authority which is responsible for preparing a co-ordinated support plan, should one be required. However, in terms of section 10 of the Act, the home authority has a duty to keep under consideration the adequacy of any co-ordinated support plan prepared and not discontinued for any child or young person belonging to the area. It will be for the home education authority to determine how best to carry out that duty having regard to the provision being made for the child or young person, including that provided by the host education authority responsible for the school education of the child or young person.
81. Schools are required to report on the educational progress of each child or young person who is looked after and accommodated. Where such children or young people have additional support needs, these should be stated in their care plan. In many cases it will be appropriate for that part of the care plan which covers education to refer to any planning documents used for education, and for these documents to be appended to the care plan, without necessarily completing the education section of the care plan.
82. There is a range of health care plans for different disciplines within health e.g. medical, nursing, occupational therapy, speech and language therapy, and physiotherapy. Each plan is informed by an assessment process with clear objectives and outcomes. These outcomes are monitored to inform and ensure clinical effectiveness. Plans may be single or multi-disciplinary, or form part of a multi-agency plan as appropriate. Although these plans have their own specific purposes, it is important that they are integrated with and cross-refer to education plans for purposes of identifying learning needs and educational objectives.

s9(1)

<sup>9</sup> (Guidance to the Children (Scotland) Act 1995)



Louise, aged 6, is the eldest of 3 children. The school is concerned about her short concentration span, poor communication and aggressive behaviour towards other children. The family receive support from the local family centre and there have been regular multi agency meetings to co-ordinate support.

For the previous 6 months all the children have been on the child protection register because of concerns of neglect. At the most recent review of the child protection plan it was highlighted that Louise's communication skills remained poor despite an individualised educational programme being in place. A speech and language therapist assessed Louise and advised the school about more appropriate teaching approaches and objectives and helped to develop new appropriate education targets within the plan. The educational objectives are now shared across the child protection plan and the individualised educational programme.

### Monitoring and review

s4(1)(b)

83. Education authorities must make appropriate arrangements for keeping under consideration the additional support needs of, and the adequacy of additional support provided to, each child and young person with additional support needs for whose school education they are responsible. Education authorities, with appropriate agencies, must monitor the progress of children and young people who have additional support needs, to ensure that they are learning effectively and making adequate progress. Where children and young people are not making adequate progress as expected, the child's needs should be re-assessed and appropriate support provided.
84. Education authorities and other agencies need to have arrangements in place to co-ordinate the planning and review process for children and young people. These arrangements will maximise effective joint and coherent working across agencies and authorities involved and help reduce pressure on the child or young person and their parents as well as promoting the child's or young person's development to their fullest potential. This is particularly important where the review schedules for plans vary. For example, individualised educational programmes are reviewed regularly by teachers and children and young people as part of the continuous teaching and learning cycle. Formal programme reviews are called, as required, but typically every two months or each term.

## chapter 3

85. The local authority, as a minimum requirement, must review the circumstances of looked after and accommodated children and young people within 6 weeks of being placed. Thereafter, reviews must take place within 3 months of the first review; and subsequently, at intervals of no more than 6 months. The purpose of these reviews is to prepare a care plan which addresses the immediate and longer term needs of the child or young person with a view to safeguarding and promoting his or her welfare. Where a looked after child or young person also has an individualised educational programme or a co-ordinated support plan, the authority may decide to review these within the care plan review process. Any meetings should fully involve the parents and the child or young person in preparing the plan or plans. A copy of the plan should be provided to parents, young person and all those who have contributed to the plan or plans.
86. Authorities and agencies should have arrangements in place to ensure that all appropriate plans are updated and integrated as required. Local arrangements should be in place to decide who convenes multi-agency review meetings and who the lead professional will be.





# chapter 4

## Co-ordinated Support Plan

1. The previous chapter looked at the general provision for additional support needs that the Act requires education authorities to make. A small number of children and young people have additional support needs arising from complex or multiple factors which require a high degree of co-ordination of support from education authorities and other agencies. This chapter explains the circumstances under which children and young people may require a co-ordinated support plan. The contents of a co-ordinated support plan are also considered.
2. The co-ordinated support plan is a statutory document which will be subject to regular monitoring and review for those children and young people who meet the criteria for requiring one. Education authorities must have arrangements in place to identify from among those children and young people for whose school education they are responsible, those children and young people with additional support needs who require a co-ordinated support plan and the particular additional support needs of the children so identified. The criteria for requirement for a plan are as follows:

s6(1)(a)(ii)

*... a child or young person requires a plan (referred to in this Act as a "co-ordinated support plan") for the provision of additional support if-*

s2(1)

- (a) *an education authority are responsible for the school education of the child or young person,*
- (b) *the child or young person has additional support needs arising from-*
  - (i) *one or more complex factors, or*
  - (ii) *multiple factors,*
- (c) *those needs are likely to continue for more than a year, and*
- (d) *those needs require significant additional support to be provided-*
  - (i) *by the education authority in the exercise of any of their other functions as well as in the exercise of their functions relating to education, or*
  - (ii) *by one or more appropriate agencies (within the meaning of section 23(2)) as well as by the education authority themselves.*



## Applying the criteria for a co-ordinated support plan

### The education authority are responsible for the school education of the child or young person

3. The education authority have a duty to prepare a co-ordinated support plan for those children for whose school education they are responsible. In the early years this means that those children below the age of being a prescribed pre-school child (normally the age of 3 years) are not eligible for a co-ordinated support plan. Nevertheless, as described in chapter 3, the authority may, in certain circumstances have a duty to provide additional support for learning to disabled children, belonging to their area, with additional support needs referred to them by an NHS Board even although a co-ordinated support plan cannot be provided. However, when prescribed pre-school children are in pre-school provision managed by the authority, or in a partnership nursery, then they may have a co-ordinated support plan, provided the other criteria are met.
4. Education authorities should not wait until children reach the age of entitlement to school education, at the age of 3 years approximately, before commencing the initial assessments to determine whether a co-ordinated support plan will be necessary, if they have grounds to believe that such a plan will be required. For some children it may therefore be necessary to begin the assessment process for deciding whether a co-ordinated support plan is required, or not, before they enter pre-school provision.
5. The education authority are responsible for the school education of children and young people attending independent or grant-aided schools, or being home educated, where the authority have made the arrangements, for example, to enable the authority to discharge their functions to make adequate and efficient provision for the additional support required. Children and young people may also be placed in independent and grant-aided schools, and secure units, through the Children's Hearing system. In these cases the education authority are also responsible for the school education of children and young people belonging to their area. In any of these circumstances, the education authority will require to consider whether such individual children and young people require a co-ordinated support plan.
6. A child or young person may attend a school under the management of an education authority other than the education authority for the area to which the child or young person belongs. The former education authority are referred to here as the host education authority, the latter the home education authority. The home education authority may enter into arrangements with another education authority, and arrange for that child or young person to be educated in that host education authority, in order that the home education authority can discharge their duties under the Act. In such

s5(2)

s4(1)

## chapter 4

circumstances, the home education authority are responsible for the school education of the child or young person including being responsible for establishing whether that child or young person requires a co-ordinated support plan, for preparing the plan, as necessary, and for keeping under consideration the adequacy of any plan so prepared.

7. Children and young people who have been placed in independent or grant-aided schools, by their parents or others, or are being educated at home, and for whose school education the authority are not responsible, are not eligible to have a co-ordinated support plan. In these circumstances, parents or the young person may ask the education authority to establish whether the child or young person has additional support needs, or would require a co-ordinated support plan, if the authority were responsible for the school education of the child or young person. The education authority may comply with the request but are not obliged to do so. Managers of independent and grant-aided schools may also request the education authority to establish if the child or young person would require a co-ordinated support plan, if the authority were responsible for the school education of the child or young person. Again, the education authority may comply with the request but are not obliged to do so.
 

s7(2)(a)

s7(2)(b)
  
8. However, where a child or young person is attending a school in an authority other than the home education authority as a result of a placing request, then it is the host education authority which are responsible for the school education of that child or young person. The host education authority are responsible for ensuring that they fulfil all their duties under the Act, as required, where an education authority are responsible for the school education of a child or young person. These duties include being responsible for establishing whether that child or young person requires a co-ordinated support plan and for preparing the plan, as necessary. However, the home education authority are under a duty to keep under consideration the adequacy of any co-ordinated support plan prepared by the host education authority. Where a host education authority prepare a co-ordinated support plan for a child or young person belonging to the area of another education authority then they should notify the home education authority that they have done so. They should also provide the home education authority with such information, including a copy of or extracts from the co-ordinated support plan, as that education authority request in order to enable them to carry out their duties under section 10 of the Act. It will be for the home education authority to determine how best to carry out that duty having regard to the provision being made for the child or young person, including that provided by the host education authority responsible for the school education of the child or young person.
 

s10(1)



### Complex and multiple factors

9. As noted in chapter 2 there is a wide range of factors which may lead to children and young people having additional support needs. The factors may be grouped into broad overlapping themes arising from the learning environment, family circumstances, disability and health issues, and social and emotional factors.
10. The Act states that a factor is a complex factor if it has, or is likely to have, a **significant adverse effect** on the school education of the child or young person.
11. The Act does not define the length of time over which a complex factor has an effect (although the additional support needs arising from one or more complex factors have to be likely to last for more than a year for a child or young person to require a co-ordinated support plan). Nor does the Act define the term ‘significant adverse effect’. However, since a complex factor is one that has a significant adverse effect on the school education of the child or young person, it is likely that it will affect most aspects of learning. Some examples of complex factors grouped according to the above themes could be the following:

s2(2)(a)

**Learning environment** – where the teaching approaches and curriculum are significantly different from what the child or young person requires, and are thus having a significant adverse effect on his or her school education. This may arise where the child or young person is attending a mainstream school and the learning and teaching approaches available there cannot be suitably adapted to take account of the child’s or young person’s learning needs. That is, the child or young person may be in a mainstream school when a special school would provide a more effective education. Alternatively, a child or young person in a special school may require to be placed in a mainstream school. Or, the child or young person may have severe dyslexia which is having a significant effect on his or her ability to access the curriculum, and, because the appropriate measures have not been put in place, this is adversely affecting the child’s or young person’s progress in school.

**Family circumstances** – where family life is disrupted, perhaps through parental alcohol, drug or domestic abuse or mental health problems, and the child or young person is not receiving the parental support, direction and guidance needed to make the most of school education, or where, for example, school attendance is very poor.

**Disability or health** – where the child or young person faces barriers to learning and development from, for example, blindness or a physical disability such as cerebral palsy or other conditions such as autistic spectrum disorder, specific language impairment or developmental co-ordination disorder and requires measures to be put in place if the child and young person is to benefit from school education. In addition, some children and young people with a mental health

## chapter 4

problem such as attention deficit hyperactivity disorder, depression or anorexia may experience significant or frequent disruption to their school education.

**Social and emotional factors** – children and young people may have social and emotional difficulties, such as behaviour difficulties which may lead to offending or they may be being bullied, which prevents them attending school regularly or engaging effectively with the curriculum.

12. Multiple factors are factors which are not by themselves complex factors but, taken together, have or are likely to have, a significant adverse effect on the school education of the child or young person. For example, a child may have a mild sensory impairment (disability or health), live in disadvantaged social circumstances where there are parental relationship difficulties, unemployment and low income (family circumstances) and may not be receiving appropriate education (learning environment) which takes account of the sensory impairment. Each of these taken separately may not have a significant effect on the education of the child or young person, but the cumulative effect of these multiple factors is such that the school education of the child or young person is being adversely affected to a significant degree.
13. In all cases it is how the factors impact on the child's learning and development that is important and it is assessment which determines this. Those well placed to decide whether or not factors are complex or multiple are those working with the child or young person, as well as the parents, and of course the child or young person. What may be complex, or multiple, factors with a significant adverse effect for one child or young person may not be for another. It is the effect of the factor(s) on school education that is important, not any diagnostic label alone. Every child or young person should be considered on an individual basis. In some cases, there will be a need for a co-ordinated support plan while for others, another existing planning process, e.g. an individualised educational programme, or a Care Plan may be sufficient to address the child's or young person's needs.

Adam has a specific language impairment which had led to a co-ordinated support plan being prepared during his pre-school year. He maintained a split placement between a language unit and mainstream primary school for the first 3 years of his primary schooling. During this time his needs required a high degree of co-ordination amongst the professionals involved and he received significant support from a speech and language therapist. In primary 4 he attended his mainstream school full-time supported by an outreach teacher and a speech and language therapist. In working with the speech and language therapist, the school staff were able to develop new skills and appropriate strategies within class to meet his needs. At the next review of the co-ordinated support plan, it became clear that significant support from outwith education was no longer necessary and there was no longer a need for a co-ordinated support plan.



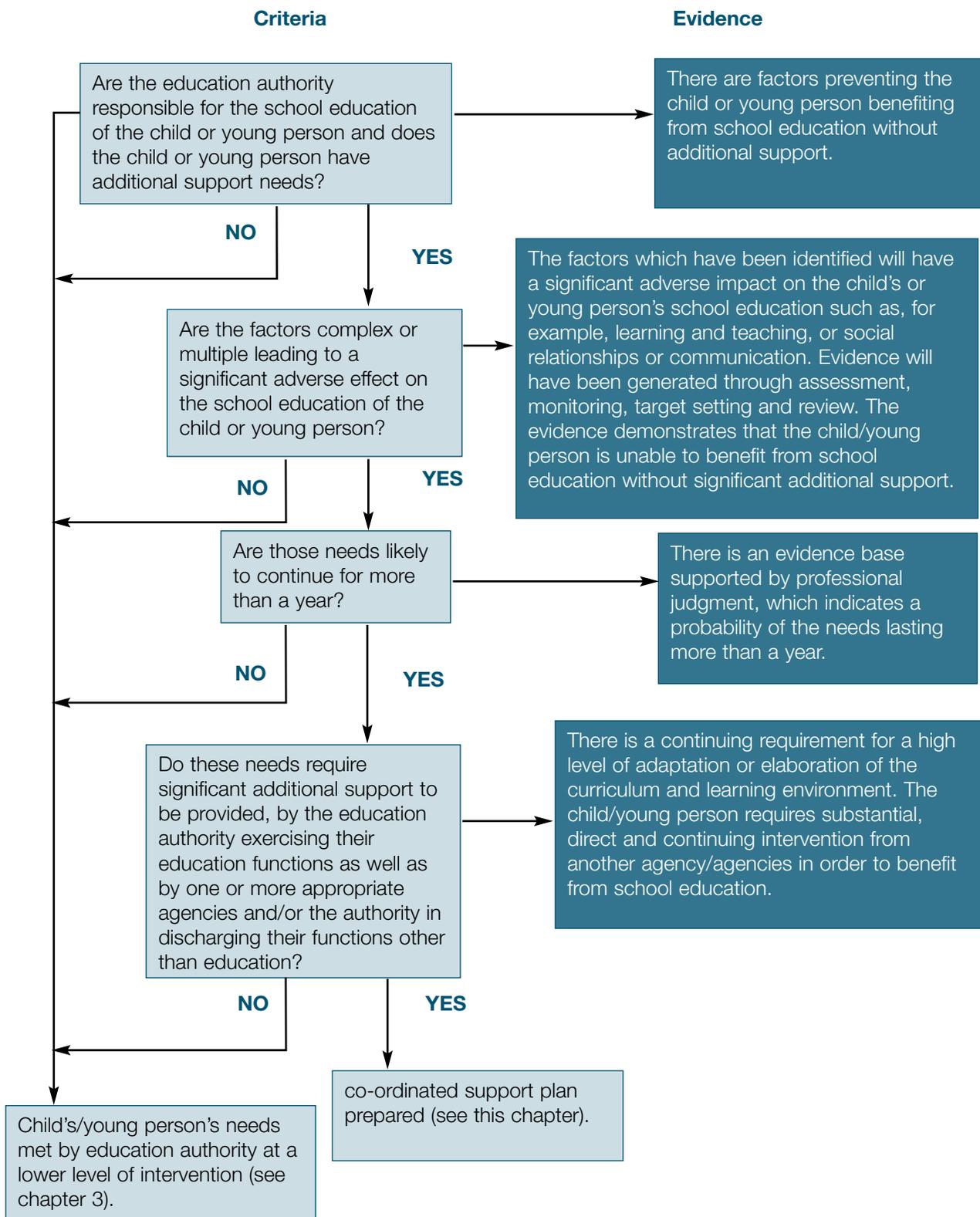
### Additional support needs likely to continue for more than a year

14. In addition to deciding on whether the criteria of complex or multiple factors are met, professionals involved with the children and young people must determine how long those additional support needs are likely to last. For a co-ordinated support plan to be required the judgment must be that these needs are likely to continue for more than a year.

### Significant additional support

15. These additional support needs must also require the provision of significant additional support from an education authority, and either the local authority exercising their functions other than education (e.g. social work services) and/or one or more appropriate agency/agencies, within the meaning of the Act and the associated regulations, if a co-ordinated support plan is to be required. One purpose of the co-ordinated support plan is to ensure that support is co-ordinated effectively when at least one service is required from outwith what the education authority provides as part of its educational functions.
16. The Act does not define what “significant additional support” means. The use of the term “significant” signals that the scale of the support, whether it is in terms of approaches to learning and teaching (e.g. adaptation or elaboration of the curriculum) or personnel or resources, or a combination of these, stands out from the continuum of possible additional support. Judgements about significance have to be made taking account of the frequency, nature and intensity of the support, and the extent to which that support is necessary for the achievement of the educational objectives which will be included in the plan. Full-time placement in a special school or unit would count as significant additional support, as would provision of personnel full-time to support a child or young person in a mainstream school, and provision of specialist aids to communication.
17. Support may be provided by a visiting teacher or a therapist. Where, for example, a physiotherapist provides individual therapy to a child twice a week and the child also receives therapy from a speech and language therapist on a weekly basis, with, in both cases, therapists advising teacher(s) and parents as required, then that support is likely to be significant. Similarly, where a child or young person is living in a residential care home then the support provided there through social work services is likely to be significant. However, it is not possible to generalise as to what should count as significant and consideration has to be given to circumstances in individual cases.
18. The diagram overleaf provides a decision tree to help authorities to decide whether children and young people require a co-ordinated support plan. It should be read in conjunction with the Education (Co-ordinated Support Plan) Regulations. This chart should be read as relevant to all appropriate agencies.

# chapter 4



### Seeking and taking account of views and providing information

s12(2)

19. When considering whether a co-ordinated support plan may be required, or in preparing such a plan, education authorities must seek and take account of relevant advice and information (including assessments) from appropriate agencies and other persons whom they think are appropriate. This may be, for example, health services. They must also take account of advice and information available from sources within the authority, other than from education. Such a source is most likely to be the authority's own social work services. They must also take account of information provided to them by, or on behalf of, the child or young person. For example, if the parents have privately commissioned an assessment or report on the child or young person, or the young person has commissioned the report himself/herself, then the authority must take that report or advice into consideration if provided to them. Also, the authority must seek and take account of the views of children and their parents, and young people themselves.

s2(4) Age of  
Legal  
Capacity  
(Scotland)  
Act 1991

20. If an education authority identify a child or young person as requiring a co-ordinated support plan it is expected that the parents would want to, and will, participate in its preparation. Most parents are keen to do what is best for their child and do co-operate with education authorities. In some cases, parents may be concerned about the assessment process and may not co-operate. If the parent will not co-operate with the assessment process the education authority will require to decide whether they have enough information available to prepare a co-ordinated support plan. This is also the case where a child (or a parent on their behalf where the child lacks the capacity to consent) has refused to give consent to a medical assessment or examination. For most children or young people who require a co-ordinated support plan there will be detailed information available. Education authorities are able to draw up co-ordinated support plans even where parents disagree that one should be prepared or where they refuse to co-operate. In circumstances where the parents disagree that a co-ordinated support plan is required, it is open to them to refer the authority's decision to the tribunal.

s11(1) and  
(2)

21. Education authorities are required to inform parents and young people of their proposal to establish whether a co-ordinated support plan may be needed, or requires to be reviewed, the outcome and any right they have in connection with the outcome to have the decision, failure or information referred to the tribunal. Education authorities must also provide parents with a copy of the plan. Chapter 7 of this code sets out the grounds under the Act on which a parent or young person can have their case referred to the tribunal.

# chapter 4

## Requesting an assessment

22. As described in chapter 3, where an education authority are responsible for the school education of a child or young person, they must meet requests made by a parent or young person to establish whether any child or young person has additional support needs, or requires a co-ordinated support plan, unless the request is unreasonable.
23. Where an education authority are not responsible for the school education of a child or young person they may meet requests made by the parents, young person or managers of an independent or grant-aided school to establish whether the child or young person would, if the education authority were responsible for the school education of the child or young person, require a co-ordinated support plan.
24. In both cases above those making the request will be expected to provide sufficient information to explain why they think assessment is required. The education authority must notify the parents or young person, or the managers of the independent or grant-aided school (as appropriate) of a decision not to comply with the request. In the case of a child or young person for whose school education they are responsible, the education authority must notify the parents or the young person, before proceeding, of their proposal to establish whether the child or young person requires a co-ordinated support plan. In the case of a child or young person for whose school education the education authority are not responsible then where the education authority decide that a co-ordinated support plan would have been required, if they were responsible for the child's or young person's school education, then they must provide the person who made the request with such information and advice about the child's or young person's additional support needs as they consider appropriate.
25. Education authorities should notify the person making the request of either decision as quickly as possible but certainly no later than 4 weeks from when the request is received.
26. Where an education authority are responsible for the school education of a child or young person then their decision not to comply with a request to establish whether a co-ordinated support plan is required is treated as a decision of the education authority that the child or young person does not require a co-ordinated support plan. In notifying the parents or young person of their decision, they must also notify them of their right to make a reference to the tribunal. A reference to the tribunal can only be made where the education authority are responsible for the school education of the child or young person.

s6(2)

s7(2)(a)  
and (b)

s7(7)and(8)

s18(5)



s8(1)

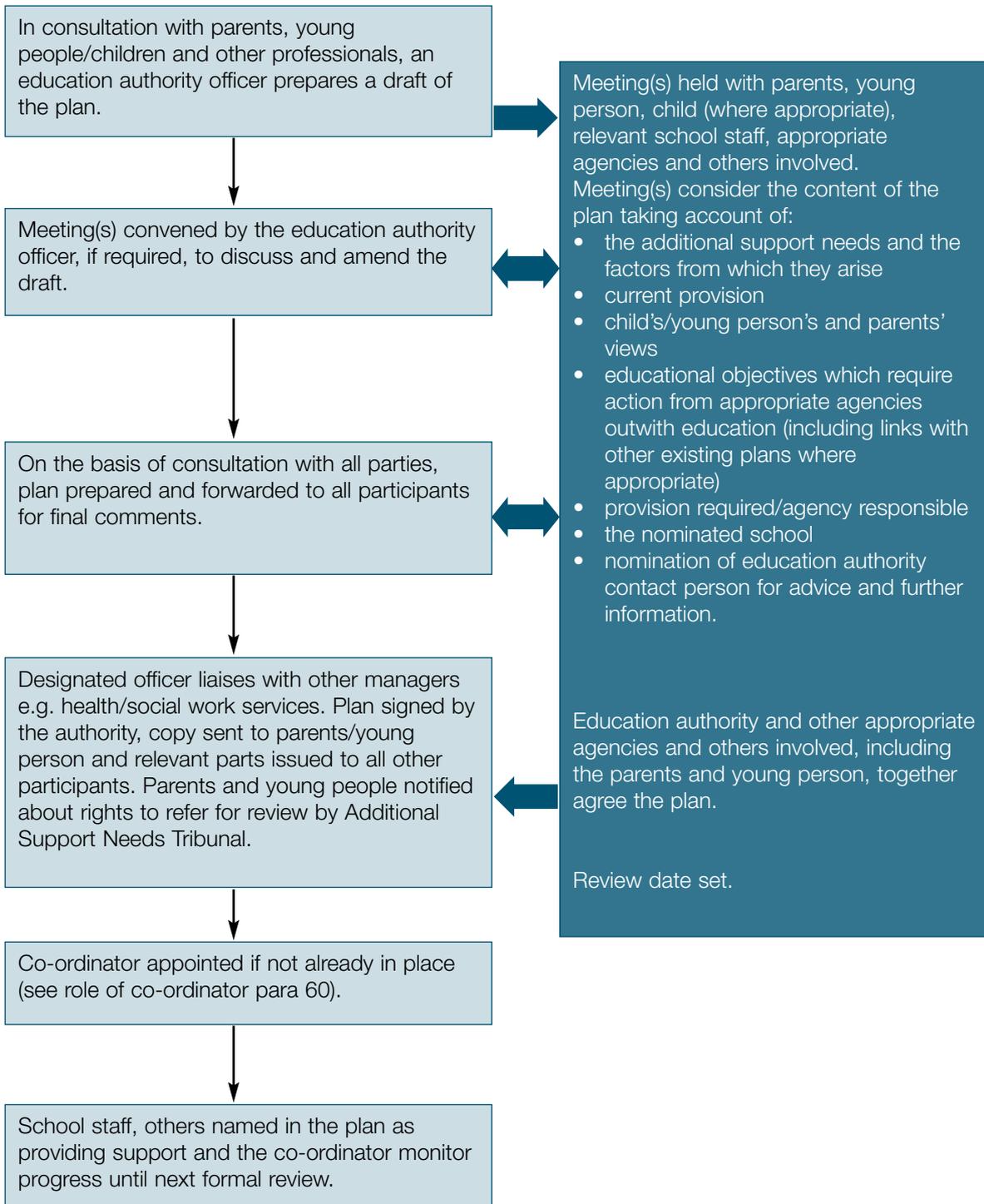
27. Where an education authority propose to establish whether a child or young person requires a co-ordinated support plan they must also comply with a request for an assessment or examination made by the parent or young person unless the request is unreasonable. The parent or young person can request that the education authority arrange for the child or young person, referred to in the proposal, to undergo a process of educational, medical, psychological or other type of assessment or examination (or a combination of these) for the purposes of establishing if there is a requirement for a co-ordinated support plan. The managers of independent or grant-aided schools, may request an assessment or examination where an education authority propose to establish whether a child or young person would require a co-ordinated support plan if the education authority were responsible for the child or young person's school education.

s7(2)(b)

28. Educational assessments are an intrinsic part of day-to-day practice in schools. Education authorities should consider these when deciding whether a request for any additional or particular assessment or examination, not already contained in the proposal for establishing if there is a requirement for a co-ordinated support plan, is reasonable. They should consider also any other available assessments (e.g. health or social work) and decide whether there is any requirement or need for further detail.
29. A request that does not relate to the process of establishing a requirement for a co-ordinated support plan could be regarded as unreasonable. In reaching a decision about whether any request is reasonable or not, an education authority will have to have regard to the individual circumstances of the child or young person.

# chapter 4

## Preparing a co-ordinated support plan



s12(2)

30. The flow diagram overleaf describes the steps which may be taken to prepare a co-ordinated support plan. It is essential that the plan is prepared having sought and taken account of the views of:
- the parents and the child
  - the young person
  - representatives of those appropriate agencies, and any others, providing support.
31. Education authorities should have clear arrangements for joint working with those appropriate agencies and others involved in supporting children and young people with additional support needs. These should include the arrangements under which support specified in the co-ordinated support plan can be approved and provided by the authority itself and appropriate agencies.

#### Timescale for drawing up the plan

32. An education authority will have 16 weeks within which to produce a completed co-ordinated support plan as described in the Co-ordinated Support Plan Regulations. Within this timescale they will have to undertake a process to establish whether the child or young person meets the criteria for a co-ordinated support plan, reach a decision, notify the parents or young person of the outcome and prepare the plan, if it has been established that one is required.
33. As part of this process they have to seek and take account of views and information provided, identify the educational objectives to be achieved, the support required to meet these, and identify and liaise with the appropriate agencies and other persons that will provide the support.
34. The 16 week period starts from the date the education authority inform the child's parents or the young person of their proposal to establish whether a co-ordinated support plan is required. The date is the date on which information about the proposal is sent by the education authority.

## chapter 4

35. An education authority's proposal for establishing whether a co-ordinated support plan is required should also inform parents or young people about:
- the agencies, other departments of the authority and other people from whom the education authority propose to seek views, advice and information
  - any proposed assessments or examinations
  - their right to request particular assessment(s) relevant to the proposal
  - their right to provide advice and information relevant to the proposal
  - their involvement in the process
  - a proposed timescale for the process.
36. The majority of children and young people being considered for requirement for a co-ordinated support plan will previously be known to the education authority. Consideration for a co-ordinated support plan will have arisen from monitoring the child's or young person's additional support needs and his or her ability to benefit from the school education being provided. In most cases, education authorities would be expected to be able to reach a decision fairly quickly as to whether a co-ordinated support plan is required. There will be situations where reaching a decision will take longer, for example, where the child or young person has moved to the authority area from outwith Scotland and limited information is available, or where an appropriate agency cannot comply with a request for help quickly.
37. It is expected that an education authority will have reached a decision and notified the parent or young person no later than 4 weeks after informing the parent or young person of the proposal, unless it would be impracticable to do so. The Co-ordinated Support Plan Regulations provide for exceptions to that timescale in specific circumstances (see paragraph 41).
38. It will be in an education authority's best interests to ensure that the information about the proposal is as detailed as possible and that action is taken promptly to get the process underway, such as through contacting appropriate agencies, or others as appropriate, to seek and prepare to take account of information, advice or help. Where an education authority decide that the child or young person does require a co-ordinated support plan then they will have no more than 12 weeks remaining in which to prepare the plan and provide the parent or young person with a copy.
39. The statutory 16 week period ends on the date on which the education authority give the child's parents or the young person a copy of the completed co-ordinated support plan. This date is the date a copy of the co-ordinated support plan is sent by the education authority.



### Time limit exceptions

40. While an education authority will be expected to take all reasonable steps to ensure that the time limit is complied with, there will be circumstances outwith the education authority's control which make compliance impracticable. The Co-ordinated Support Plan Regulations, therefore, set out the circumstances where it would be considered impracticable for an education authority to meet the usual 16 week timescale. The exceptions cover circumstances relating to both the establishing and preparing phases of the overall process. These include where:
- the child's parent or the young person has made a request for a particular type of assessment or examination and that cannot take place, or the results will not be available, before the end of the 16 week period
  - the education authority have asked an appropriate agency or other persons for help and they have not been able to respond in time.
41. When an education authority become aware that the 16 week time limit is unlikely to be met, they must explain to the child's parents or the young person the reason for this and must set a new date for completion of the process. The regulations require that the new time limit should not exceed the standard 16 weeks by longer than is reasonably necessary in the circumstances, which in any event must not be more than 24 weeks from the start date (see paragraph 34). This is to allow for the individual circumstances surrounding the delay to be taken into consideration and to allow an appropriate new timetable to be set in the light of these.
42. A parent or young person can make a reference to the tribunal where, once it has been established that the child or young person does require a co-ordinated support plan, the education authority fail to prepare a plan by the 16 weeks statutory time limit, unless one of the exceptions applies. Education authorities should have regard to this when considering applying any of the time limit exceptions. In some cases, for example, an education authority may have to proceed to reach a decision about requirement for a co-ordinated support plan or the actual content of a plan on the basis of the information already available.

s18(3)(c)

# chapter 4

## What does a co-ordinated support plan contain?

43. The Act and associated regulations set out the form and content for a co-ordinated support plan. The statutory parts of the plan and prescribed decisions, failure or information can be referred to the tribunal for review. Plans must contain:

s(9)(2)

- the education authority's conclusions as to the factor or factors from which the additional support needs of the child or young person arise
- the educational objectives sought to be achieved taking account of those factors
- the additional support required to achieve these objectives; and
- details of those who will provide this support.

44. The plan must also contain:

- the name of the school the child or young person is to attend
- the details of the person who will co-ordinate the additional support identified in the plan, or the details of any person nominated by the education authority to carry out the co-ordinator function, if not an education authority official
- the details of a contact person within the local authority from whom the parents or young person can obtain advice and further information.

45. The plan should be clear and succinct, and refer to needs that will, or are likely to, continue for more than a year. Short-term objectives should continue to be contained within personal learning planning or an individualised educational programme or other plan. In cases where there is an individualised educational programme or other planning mechanism in place, the co-ordinated support plan should refer to these but not duplicate the content of the plans unless required to meet the statutory requirements for the plan.



46. The co-ordinated support plan also contains other details in addition to those required by the Act. These are:
- specified biographical and contact details of the child or young person
  - specified contact details for their parent(s) or those adults who have, or share, responsibility for the care of the child or young person
  - a profile – the purpose of this is to build a holistic pen picture of the child or young person. It should focus on the positive aspects of the child's/young person's life, for example, his/her skills and capabilities. It may also include information about the school attended or curriculum followed, other planning in place, his/her favourite activities, or how he/she likes to learn
  - parents' and child's/young person's comments on any aspects of the co-ordinated support plan process as well as the plan itself
  - a review timetable.
47. While the co-ordinated support plan details the factors giving rise to the child's or young person's additional support needs, the plan does not contain the multi-agency information, including assessment/examination reports that contributed to the education authority reaching these conclusions. How or where this information is kept or shared is a matter for all the professionals involved to consider while bearing in mind that some of this information may be sensitive or could cause distress to the child or young person or other family members.
48. A co-ordinated support plan template containing guidance notes can be found at annex b. Further information and guidance on how to complete a co-ordinated support plan will be contained in separate guidance.

#### The factors giving rise to additional support needs

49. This part of the plan must state the complex factor or factors, or multiple factors giving rise to additional support needs. In some cases, the factors may be diagnostic terms such as autistic spectrum disorder, learning disability or clinical depression. In other cases, the factor or factors may be more descriptive and related directly to the personal circumstances of the child or young person, and family. For example, parental mental health problems may be a complex factor which results in difficulties in the family and leads to the child or young person being looked after and accommodated away from home. Or, a child or young person may have developed behavioural difficulties, because the parents have not been able to exercise sufficient control over his/her behaviour.

## chapter 4

50. It should be clear from the assessment information which underpins the co-ordinated support plan what the complex and/or multiple factors are and how these are influencing the development of the child or young person and his/her ability to benefit from school education. All the complex and/or multiple factors involved should be stated in the co-ordinated support plan. The factors triggering the requirement for a co-ordinated support plan need to have, or be likely to have, a significant adverse effect on the school education of the child or young person.

### Educational objectives

51. The co-ordinated support plan is designed to enable children or young people to work towards achieving their educational objectives. Within the meaning of the Act, school education includes, in particular, education directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential. Educational objectives should be set to secure that the child or young person benefits from the school education provided or to be provided. They should be viewed in the widest sense as encompassing a holistic view of the child or young person. They should be specific to the child or young person and their additional support needs.
52. Educational objectives, for example, may include those required for personal and social development. For some children and young people, legitimate educational objectives could be, for example, learning to travel independently or learning particular social skills concerned with, say, feeding or dressing. What is important is that the plan contains those educational objectives which require the various forms of support to be co-ordinated if the educational objectives are to be achieved. For example, a teacher and speech and language therapist may need to ensure their support is well co-ordinated if the educational objectives to be achieved are related to improving the communication skills of a child with an autistic spectrum disorder.
53. The educational objectives in the co-ordinated support plan must take account of the factors giving rise to the child's or young person's additional support needs. The objectives will require the co-ordination of services if they are to be achieved. Children and young people will always be working to achieve other learning outcomes which are not documented in the plan and these will be outcomes which do not depend, for their achievement, on the level of co-ordination of support required by the plan. For example, a particular child with a co-ordinated support plan may have intended learning outcomes set for, say, language and mathematics and, apart from the usual support from the family, the school may feel that these will be achieved without any support from other agencies. These learning objectives will be documented through other school planning arrangements such as personal learning planning, an individualised educational programme, or another approach used by the school and will not be listed in the co-ordinated support plan.



54. Decisions about what are appropriate educational objectives to meet a child's or young person's additional support needs should be taken independently of the additional support required to achieve these, and should be informed by the assessment information available. The starting point should be to establish what it is reasonable to expect the child or young person to achieve over the course of the next year, taking account of the assessment information available. The objectives should be described in terms that are specific enough to enable the education authority, and the other agencies involved in supporting the child or young person, to monitor and review progress over time. When setting an objective, a question that needs to be answered is "How will we know the objective has been achieved?" Since each co-ordinated support plan has to be reviewed on, at least, an annual basis then the objectives should be those which can be achieved in a year approximately or for which progression milestones will be identifiable within the year.

#### The additional support required by the child or young person

55. The co-ordinated support plan must describe the additional support required to achieve the educational objectives stated. This will cover teaching and other staffing arrangements, appropriate facilities and resources, including information and communications technology, and any particular approaches to learning and teaching. The statement of support to be provided should be clear and specific and, wherever possible, should be quantified. Everyone should understand and be clear about what is being provided and why it is being provided. Statements such as "learning support as necessary" or "speech and language therapy as required" are too vague to be helpful. Statements such as the following provide a clearer idea about what is being provided:
- voluntary agency to provide group work in school for 2 hours per week, approximately, for 1 term
  - speech and language therapist and classroom assistant will provide weekly therapy within a small group setting for 6 weeks followed by a specific programme being supported within the mainstream curriculum by the teacher and classroom assistant with a review of outcomes at the end of term.

#### The persons by whom the support is provided

56. The plan must state the "persons" who should be providing the support. What is meant here are the agencies or professions providing the support, not the actual names of individuals. So, for example, terms such as "visiting teacher of the deaf", "speech and language therapist", "social worker", "clinical psychologist", and "Careers Scotland" are acceptable terms. It is neither desirable, nor necessary, to name, for example, the speech and language therapist, since while personnel may change the

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additional support provided need not.

## The nominated school

57. The plan must state the name and address of the school it is intended that the child or young person will attend. If a child or young person is being home-educated under arrangements made by the education authority, the plan must state this.

## The contact details of the contact person

58. The plan must state the name, address and telephone number of the person in the local authority responsible for providing advice and further information about the co-ordinated support plan to parents and young people.

## The contact details of the co-ordinator

59. The plan should state the name, address and telephone number of the person responsible for co-ordinating the provision. The authority can arrange for another person to discharge their co-ordination responsibility and, if so, must provide their nominee's contact details.

s9(2)(c)

## Role of co-ordinator

60. The co-ordinator is the person responsible for monitoring that the services required to deliver the additional support identified in the co-ordinated support plan are in place for the child or young person and for taking action to secure services when necessary. Once a plan has been agreed, the co-ordinator should ensure that parents, young people and all those involved in providing additional support know what is required of them under the plan. The Co-ordinated Support Plan Regulations make provision for necessary information sharing between appropriate agencies and other parties to enable each to do their part in delivering the necessary support to meet the needs of the child or young person. The co-ordinator and anyone intending to share personal information about the child, young person or their family must consider how the regulations and the wider legal framework for information sharing apply in each individual case.
61. The co-ordinator should be aware of the objectives set out in the plan and be closely involved in working with the team who support the child or young person. The co-ordinator should know the procedures to follow if there is a break in the delivery of necessary services to fulfil educational objectives. For example, if support from external services breaks down due to staff ill health or absence, the co-ordinator must then liaise with the relevant agency to seek to ensure a replacement of services without undue interruption to the provision of those services.



Danny is 10 years old and is looked after and accommodated and placed with foster carers. He exhibits behaviour difficulties in all situations and requires a high degree of co-ordinated support, for which a co-ordinated support plan is in place.

Danny's attendance at school is becoming increasingly erratic and he displays increasingly confrontational behaviour in class, leading to the possibility of exclusion from school. His class teacher asks his co-ordinator to find out if there is anything happening in Danny's home-life that may be affecting him. The co-ordinator's enquiries of colleagues in the multi-agency team reveal that the family support package has broken down, following the departure of his social worker. The co-ordinator contacts the local social work manager and highlights the current difficult situation stressing the need for urgent support.

As an interim measure, the social work manager arranges for Danny to receive support from a children's service worker who has a base at the school. The worker is able to work on a one to one basis with Danny with the aim of calming him down sufficiently, to return to his mainstream class. The school also increases the level of in-class support from a classroom assistant. The co-ordinator arranges to meet the social work manager in a month to review the situation.

62. In addition, the co-ordinator should:

- maintain regular contact with the child or young person and his/her family
- be familiar with the school within which the child's or young person's needs are met
- have a working knowledge of relevant service policies and practices
- have experience of working with children and young people with additional support needs
- have experience of compiling and implementing educational support plans e.g. individualised educational programmes or health and care plans
- be able to work with other agencies.

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## Who can be a co-ordinator?

63. The education authority will appoint a co-ordinator, and this person could be from any agency contributing to the plan, but need not be. The choice of co-ordinator will depend on the nature of the additional support needs and the provision to be put in place for the child or young person. The education authority are not required to seek the parent's or young person's agreement to the person appointed as co-ordinator. However, it would be difficult to envisage how a co-ordinator could fulfil their role without having the confidence of the parent or young person. Education authorities should seek and take account of the views of the parent, child or young person when considering appointment of the co-ordinator. The co-ordinator may change in the light of circumstances, for example, at transition from one stage of education to another. Where practicable, changes should be kept to a minimum. Where the co-ordinator does change, the co-ordinated support plan must be amended and details circulated. The parent or young person should receive a copy of the updated plan.
64. There are several stages in the preparation of a co-ordinated support plan. These include the discussion which results in the decision to prepare a co-ordinated support plan, the drawing up of the plan, the authorisation of the plan and the co-ordination to ensure the services are available. The co-ordinator could be appointed at any of these stages depending on the procedures in the local authority. Throughout, the parent, young person or child should be kept fully informed as to the name and contact details for the person responsible for drawing up the plan, (see flowchart on page 57).

## Review of the co-ordinated support plan

65. The Act requires that the education authority for the area to which the child or young person belongs, must keep under consideration the adequacy of each co-ordinated support plan and must formally review each plan at least every 12 months, making appropriate amendments, as necessary. The education authority must have completed the review within 12 weeks of the expiry date (which is the anniversary of the date on which the plan was prepared) unless any of the various exceptions apply as prescribed in the Co-ordinated Support Plan Regulations.

s10(2)



66. Education authorities should ensure that an appropriate review schedule is in place for each plan and that the appropriate agencies, and parents or young person, receive sufficient advance notice of review meetings as appropriate. Paragraphs 6, 7 and 8 of this chapter describe the requirements where a child or young person is receiving school education in an education authority other than the one for the area to which the child or young person belongs.
67. Authorities may carry out a review earlier than 12 months if they feel it necessary or expedient to do so because of a significant change in the child's or young person's circumstances since the plan was prepared or last reviewed. Alternatively a child's parents or the young person may request a review before 12 months have elapsed and authorities must meet this request unless the request is unreasonable. Education authorities should give clear guidance to schools and their staff in this regard.
68. Before proceeding with any review, the education authority must notify the child's parents or the young person of their proposal and ask them for their views. Parents should be notified about what is likely to happen during the review, such as consideration of:
- how far the educational objectives have been met
  - the child's or young person's additional support needs
  - the setting of new educational objectives, the support required and the agencies responsible for providing it.
69. Monitoring and review arrangements should be agreed amongst the professionals working with the child or family. A person who has regular contact with the child may be identified by the team to help the family to get the most out of the process. The co-ordinated support plan co-ordinator or contact person also have roles to play.
70. Following a review, the education authority must notify the child's parents or the young person of the outcome and of their rights to make a reference to the tribunal. If the plan has been amended as a result of the review (or subsequent to a requirement made by the tribunal), the education authority must give a copy of the amended plan to the child's parents or the young person as appropriate.

s11(1)(b)

# chapter 4

## **Custody, Transfer, Disclosure, Discontinuance, Preservation and Destruction of the co-ordinated support plan**

71. Specific provisions for the custody, transfer, disclosure, discontinuance, preservation and destruction of co-ordinated support plans are contained in the Co-ordinated Support Plan Regulations. In the case of a co-ordinated support plan for a young person, requirements in the Regulations to notify the young person or obtain his or her consent are satisfied by notifying or obtaining the consent of his or her parents where the education authority consider that the young person does not have the capacity (understanding) to consent.

### **Custody of the co-ordinated support plan**

72. The education authority must keep a copy of a co-ordinated support plan, which they prepared, in a place the authority consider appropriate. This would normally be in the appropriate department at the authority's headquarters. The Act provides for a child's parents or the young person to receive a copy of the plan. However, they must also be told where they can inspect the authority's copy free of charge during normal business hours.
73. A copy of a co-ordinated support plan must also be kept at the school attended by the child or young person. How it is kept is a matter for the school to decide bearing in mind that it is a confidential document and should not be disclosed to anyone other than those authorised to see it or have copies of or extracts from it. The co-ordinated support plan will inform classroom planning and practice for the individual child or young person and forms part of the child's or young person's Pupil Progress Record.

### **Transfer of the co-ordinated support plan**

74. When a child or young person with a co-ordinated support plan moves, without any immediate intention of returning, from the area of one education authority to that of another, the education authority who prepared the co-ordinated support plan must transfer it to the new education authority within 4 weeks from either the date of departure notified on which the child or young person will be moving or, if the child or young person has already left the area, from the date the original education authority become aware the move has taken place.



75. From the date of transfer, the co-ordinated support plan is deemed to have been prepared by the receiving education authority. Subject to any review they may initiate, (which they may do immediately if they consider it necessary or expedient as a significant change in the circumstances of the child or young person) the new education authority are bound by the terms of the co-ordinated support plan and the plan must be treated in the same way as any other co-ordinated support plans prepared for children and young people in their area. Any review will be subject to the provision in section 10 of the Act and in the Regulations.
76. As soon as reasonably practicable the new education authority are responsible for notifying the parents or, as appropriate, the young person of the transfer and for informing them that, in future, responsibility for the co-ordinated support plan and providing for the additional support needs of the child or young person rests with the new authority. Wherever possible the new education authority should at the same time inform the parents or young person about the co-ordinator within, or appointed by, the new education authority and the person within the new authority, from whom the parent or young person can obtain advice and further information.
77. When a child or young person who has had a co-ordinated support plan in Scotland subsequently moves to England, Wales or Northern Ireland, the education authority which prepared the plan can disclose the plan or extracts from it to the relevant authority for that area, where the original authority considers it necessary to do so in the interests of the child or young person to whom the plan relates. Although the education authority do not have to seek the consent of the child's parents or the young person, it is recommended that they notify the parents or young person of their intentions.

#### Disclosure of the co-ordinated support plan

78. The co-ordinated support plan is a confidential document but for it to be effective, and by its very nature, the plan or information in it will require to be shared with a range of people. While consideration must be given to the effect sharing certain information may have for the child or young person and their family, the co-ordinated support plan should not be a document that is locked away and rarely referred to. As a strategic planning document it should be used and referred to on a regular basis.
79. When education authorities prepare or amend a co-ordinated support plan they must tell the people involved in providing additional support for the child or young person about matters in the plan as they consider appropriate.

## chapter 4

80. However, there will be certain persons who would require to have a copy of the actual plan or extracts from it depending on different circumstances. The child's or young person's teacher will need a copy of the plan to help inform planning and monitoring of progress. The appropriate agencies and other persons providing support to help meet the educational objectives may only require to have the part of the co-ordinated support plan containing that information. Education authorities will have to make these decisions based on the individual circumstances of the child or young person.
81. In addition to those providing additional support to the child or young person, the Co-ordinated Support Plan Regulations set out those persons to whom education authorities can disclose a co-ordinated support plan or extracts from it without seeking the consent of the child's parents or the young person. These include:
- those people the education authority think it necessary in the interests of the child or young person
  - the person who will act as the co-ordinated support plan co-ordinator where that is not an education authority officer
  - the Principal Reporter.
82. In terms of good practice, however, it is recommended that education authorities notify parents or young people of their intention to share the plan or extracts and their reasons for disclosure. In making decisions about who should receive a copy of, or extracts from, a co-ordinated support plan, education authorities must have regard to not only the Regulations but to the wider legislative framework that covers sharing information, such as the Data Protection Act 1998. Different legislation may apply depending on the individual circumstances of the child or young person, such as whether or not they have social work or health needs. The Resources section contains sources of guidance on information sharing.
83. In all other circumstances, education authorities must not disclose a co-ordinated support plan or extracts from it without first seeking the consent of the parents or young person. Education authorities should reserve the right to request the return of any copies or extracts of co-ordinated support plans.

### Discontinuance, preservation and destruction of the co-ordinated support plan

84. Where a co-ordinated support plan is to be discontinued following a review, or where the education authority are no longer responsible for the child's or young person's school education, the discontinued plan must be preserved for a period of 5 years from the date of discontinuance which date must be noted on the plan.



85. If the plan is to be discontinued following a review, the education authority must inform the parents or young person of their decision. The education authority must not discontinue the plan before the expiry of the 2 month period parents and young people have in which to refer the decision to a tribunal.
86. At the end of the 5 year period the co-ordinated support plan must be destroyed. The education authority should notify the parents or young person that this has happened as soon as reasonably practicable. It may be that after 5 years the whereabouts of the parents or young person are not known. If that is the case, the education authority should take reasonable steps to obtain contact details.
87. Where the tribunal overturns the education authority's decision to prepare, or continue, a co-ordinated support plan, the education authority must notify the child's parents or the young person when the plan will be discontinued and ask them to let the authority know within 21 days (excluding school holidays) whether they want it to be preserved for a period of 5 years or not. If the answer is yes then the plan must be preserved. If the answer is no, or there is no response, the education authority must destroy the plan and let the parents or the young person know this has happened.
88. During the period that the co-ordinated support plan is preserved, the arrangements for disclosure described in paragraphs 78 to 83 above continue to apply.

# chapter 5

## Transitions

1. All children and young people go through transition stages in their school education. These transitions include entry to pre-school provision and transfers to primary school and across primary, secondary and post-school provision. Some may experience changes in their school education at other times with a transfer to another school or a break in their school education. Early or timely planning is required to ensure continuity and progression between stages or breaks in education.
2. Changes in school education may involve irregular transition experiences, for example, exclusions and school closures. Where these involve a child or young person with additional support needs, the education authority and other agencies should take these needs into account when considering new arrangements for their school education.

### Planning for changes in school education

3. Education authorities should have appropriate arrangements in place to ensure that changes in school education for all children and young people can be as smooth as possible. Effective planning helps to promote shared understandings and close communication among all relevant persons and, above all, helps to ensure that any required action is co-ordinated appropriately. An education authority's routine arrangements should enable schools to provide sufficient support for the majority of children and young people faced with changes in school education. In some circumstances, education authorities will require to involve other agencies to ensure that the transition process is effective for certain children and young people with additional support needs.
4. The Act is supported by the Changes in School Education Regulations. The Regulations specify the action that the education authority must take at various transition points in a child's or young person's school career, for example, when a child starts pre-school provision, or where an education authority transfer a child or young person to another school under their management. In general, the Act and Regulations require an education authority to seek and take account of relevant advice and information from other agencies no later than 12 months before a child who has additional support needs is expected to have a change in school education. In the case of a pre-school child the timescale is 6 months. These timescales mean that an education authority will need to commence preparing for the change in school education earlier than the 12 months before the change takes place (or earlier than the 6 months before the change, in the case of a pre-school child). The requirement to seek information and advice applies to such agencies, and other persons, if any, in the case of a child or young person moving to post-school provision, as the authority consider appropriate. Where the education authority seek advice and information from appropriate agencies or other persons then the Regulations require the authority also to seek and take account of the views of the child, the child's parent or the young person.

s12(5)



s13(1)

5. A 6 month timescale applies for education authorities passing on information to appropriate agencies ahead of changes in school education. In the case of a pre-school child the timescale is 3 months. The education authority must seek the consent of the child, or the child's parents and the young person before seeking information and advice, or when passing on information.
6. Education authorities should take account of the following principles of good practice whenever a child or young person with additional support needs is approaching a transition point in their school education:
  - transition planning should be embedded within the education authority's policies and procedures for additional support needs
  - other agencies, such as health and social work services, Careers Scotland, Further Education Colleges and Institutions of Higher Education should also be involved in transition planning where required
  - the child's or young person's views should be sought and taken into account when discussing changes in school education
  - parents should be part of the planning process, and their views should be sought, and taken account of, and they should receive support, as required, during the transition process
  - early consultation should take place with the school or post-school provision, which the child or young person will be attending
  - schools should plan to ensure that the necessary support is in place for children who have additional support needs to help them through the transition phase to their new school
  - professionals from all agencies working with the child and family should plan in good time for transition to future services
  - transition should be co-ordinated by a relevant person known to the child or young person and their family
  - where a child or young person has a co-ordinated support plan, any anticipated change in the statutory co-ordinator should be discussed with the child or young person, and parents, as far in advance of the change as possible.

Sarah had a straightforward primary school experience and untroubled family life until the start of primary 7 when her mother died unexpectedly. Sarah's schoolwork suffered and she became withdrawn. Her father became concerned about how she would cope with transferring to secondary school. Relevant staff in the secondary school, who prior to transfer routinely visited all primary 7 classes of associated primary schools, were made aware of the situation. The secondary school staff arranged that Sarah would be in a form class along with some of her close friends when she transferred and agreed to pay particular attention to Sarah over the initial stages of the transition.

# chapter 5

## Preparing for Adulthood

7. Education authorities and schools should be able to address the requirements of most children and young people with additional support needs, as they approach the end of their school education, through the school's routine vocational guidance arrangements and the careers service. Preparation for adulthood should involve explicit recognition of the strengths, abilities, wishes and needs of the child or young person as well as identification of relevant support strategies which may be required. It is essential that there is good communication between the child or young person and parents and all supporting agencies. Information should be shared promptly and effectively, with the child's, parents' or young person's consent. Where a child has sufficient capacity to consent their consent should also be sought in addition to that of the parents.
8. In their final years at school, children and young people with additional support needs should engage in personal learning planning to help them to prepare for leaving school. For example:
  - some young people may need to develop independence skills so that they manage money or learn to travel independently to placements, check a bus timetable and ask for information
  - some may need help to organise themselves and their work commitments.
9. Whatever children and young people require to learn in order to make the transition successful should, in good practice, be planned for carefully.

Zahir is following an HNC programme in information systems. He has Asperger's Syndrome. He came from a mainstream school where he received one-to-one support and achieved standard grades at general level. A year prior to leaving school he applied to attend a further education college. A transition programme was agreed by Zahir, his parents, teachers, social worker and college learning support staff. Short and long term targets were agreed for a structured transition period and regular meetings were held with all relevant parties. As a result the school was able to help Zahir to make a successful transition to college and the college was able to prepare a learning programme and support arrangements appropriate for his learning needs.



10. Effective transition can involve a range of strategies. The school should ensure that the child or young person has sufficient information and understanding, within their programme of learning, on which to base decisions about the relevant choices of training or work placements, and college or higher education courses. Opportunities to sample options should be made available through visits or work experience relevant to the child's or young person's aspirations and interests. A phased entry to college, training placement or workplace, for one or two days a week, while continuing at school for the remainder of the week may often be less threatening for the child or young person than full-time attendance.
11. For the child or young person at risk of disengaging with education, alternative curricular programmes aimed at increasing the young person's motivation, skills, attainments confidence and ability to make successful transitions may be appropriate. For example, alternative programmes may cover essential skills such as literacy and numeracy; ICT skills; personal and social development; work experience and vocational placements; and individual guidance and support. Other programmes may include team building and working as a group to organise and fund their chosen activities, career planning skills and learning through active participation, for example, through the Careers Scotland Activate and WorkNet programmes.
12. For some, the transition process may be helped by the involvement of a key worker. This might be a teacher, careers adviser, social worker, community education worker or someone from another agency. The key worker can then assist the child or young person to make a smooth transition to employment, training, further or higher education, or other services. Where a child or young person has a co-ordinated support plan, their co-ordinator should take the lead in ensuring that all relevant agencies are brought together to plan for transition to post-school.
13. The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 set out particular duties placed on local authorities to provide advice, guidance and assistance to children and young people who are looked after or who have ceased to be looked after over school age. As well as stressing the need for education and social work staff to work closely together to ensure that young people achieve their maximum potential whilst within the education system, local authorities are also encouraged to work closely with Careers Scotland to support young people in making their choices for education and training.

# chapter 5

14. The Act requires education authorities to take specific action to help young people with additional support needs to make the transition from school to post-school life successfully. It places a duty on the education authority to request information from appropriate agencies, if any, which are likely to be involved with the child or young person on leaving school. The appropriate agencies, all in Scotland, which may be involved are:

s12(6)

- any other local authority
- any NHS Board
- Careers Scotland
- any Further Education College
- any Institution of Higher Education

15. The duty applies to children and young people for whose school education the authority are responsible. The Act gives the education authority discretion about which appropriate agency, if any, requires to be approached to provide information. The authority should seek information with regard to those children and young people with additional support needs, from an appropriate agency or agencies whose help will assist the child or young person in the move to post-school provision. It is anticipated that education authorities will seek information from another appropriate agency, or agencies, in the case of most children and young people with co-ordinated support plans.

16. The education authority have to seek and take account of the views of the child, where they are capable of expressing these, and the child's parents and the young person (or the young person's parents where the young person lacks the capacity to express his/her views). Importantly, information should only be sought with the consent of the child's parents or the young person (or the young person's parents where the young person is not able to give consent). A situation could arise where the child wishes information to be sought from another appropriate agency/agencies, and the child's parents do not agree (or vice versa). The education authority should, in deciding what course of action to take under the circumstances, consider the best interests of the child or young person as well as the child's or young person's capacity to express a view, and act accordingly.

s12(6)(c)(ii)



17. The purpose of obtaining such information from an appropriate agency/agencies, is to enable the education authority to consider the adequacy and appropriateness of additional support provided by the education authority and other services in the period up to the child or young person leaving school. This is to support the process of ensuring a good match between their needs and options for subsequent support. These options include provision which may be made by an appropriate agency, or agencies, as well as any provision which the education authority make for the child or young person on leaving school; this provision includes, for example, that made by social services or housing.

s12(6)(c)(i)

18. This process of seeking and taking account of information from an appropriate agency, or agencies, and the other requirements referred to above, must be completed no later than 12 months before the date a child or young person with additional support needs is expected to cease receiving school education. However, this means that the process will require to be started in advance of the 12 month period if it is to be carried out effectively for the benefit of the child or young person. There will be circumstances where the education authority have less than 12 months to carry out these duties, in which case they should be carried out as soon as reasonably practical after they become aware of the fact that the child or young person is to cease receiving school education.

s13(1) and  
(2)

19. The Act also requires the education authority to pass on information to appropriate agencies, if any, no later than 6 months before the expected school leaving date. Where an authority become aware that a child or young person is expected to leave school within less than 6 months of that date, then it must pass that information on to appropriate agencies as soon as is reasonably practicable. The Act requires education authorities to pass on information, including:

- the child's or young person's expected school leaving date
- such other information as the authorities consider appropriate concerning the child or young person and the additional support needs of the child or young person.

The other information passed on could include information relevant to the appropriate agencies above, or any provision the local authority may make when the child or young person leaves school such as, for example, through social work or housing.

# chapter 5

## Monitoring and review

20. Education authorities should ensure that the arrangements required for transition to post-school are clear so that the child or young person, and all those involved, know exactly what is happening, when it is happening, and who is responsible. The effectiveness of the action required should be monitored by a lead person and reviewed if there is a change of circumstances, or if the child or young person requests an alteration. Where the child or young person has a co-ordinated support plan the education authority have a duty to review the plan at least every 12 months. Such a review should help inform action to be taken prior to a child or young person, with a co-ordinated support plan, leaving school. All relevant information in the co-ordinated support plan should be incorporated into the transition planning process.





INCLUDED

RESPONSIBLE



# chapter 6

## Working with Children and Families

1. This chapter of the code describes how children, young people and their parents can be involved successfully in education and learning and describes the Act's provisions on supporters and advocacy.
2. All children and young people should have the opportunity to make their views known about decisions which affect them. They should have the opportunity to express their opinions and have these opinions taken seriously. They should be encouraged to contribute to decision-making processes, the setting of educational objectives, the preparation of learning plans, reviews and transition planning. They need to know that what they have to say will be respected, listened to and, where appropriate, acted on.
3. Parents must also have the opportunity to be involved fully in discussions and decisions about their child's learning. Most parents want what is best for their children and have unique knowledge and experience to contribute to understanding their child's additional support needs. They, therefore, have a key role to play in their child's education and account should be taken of their wishes and the perspective they bring.
4. Professionals need to involve parents and take account of their views on their child's development and education. Partnership with parents is therefore central to ensuring that children and young people with additional support needs benefit fully from school education. The Act serves to strengthen further the involvement of children, young people, and their parents in working with authorities to reach decisions which are best for children's and young people's learning.

### Views of children and young people

5. The 2000 Act places a duty upon education authorities, where they are responsible for the school education of a child or young person, to secure that the education is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential. In so doing, the authority must have regard to the views of children and young people (if there is a wish to express them) in decisions that significantly affect their education.



s12(3)

6. The Act builds on the above duty by placing a further duty on the education authority to seek, and take account of, the views of children and young people as the authority considers appropriate under specific circumstances. These circumstances include where the authority are seeking to establish whether the child or young person has additional support needs; and when they are determining what additional support the child or young person may require. The authority have some discretion in whether they seek the views of such children or young people. The purpose of this provision is, primarily, to avoid over-formalising the dialogue between professionals, teachers especially, and children and young people by requiring the authority to take account of, and record, children's and young people's views every time they are considering whether children or young people have additional support needs. All children should be encouraged to take part in personal learning planning processes and in discussing, monitoring and evaluating their learning. It is expected that, except under exceptional circumstances, children or young people who have additional support needs should have the opportunity to discuss their needs and the support to be provided to meet those needs.

s12(1)

7. In addition to good practice in involving children and young people in decision making about their school education, under the Act an education authority must seek, and take account of, the views of children and young people (unless the child or young person is not able to provide a view then the views of the parents are sought) when they are:
- establishing whether a co-ordinated support plan is required
  - preparing a co-ordinated support plan
  - reviewing whether the child or young person still requires a co-ordinated support plan.

### Expressing views

8. In order to express views, children and young people need to have experience of being asked for their views, being listened to, making some choices and having some influence over what they do. Schools and early years settings should create a climate where seeking children's views and encouraging participation in decision-making are part of everyday activities.
9. Some children and young people with additional support needs will be able to express themselves clearly and directly. All they may need are the opportunities and the encouragement to do so. Other children and young people may need support with communication or confidence to express their views. Very few will be unable to express a view at all.

## chapter 6

10. The education authority may have to make specific arrangements to seek out the views of some children and young people, for example, children with complex communication support needs. They may need to make arrangements for those who require an interpreter; or whose first language is not English; or who have behavioural difficulties and are unwilling to co-operate. But it is just as important and relevant for these children and young people to have their views listened to as it is for those who can more easily express views. A range of approaches will need to be considered to determine their views including, for example, the use of alternative or augmentative communication systems, including signing, the use of interpreters, and engaging the views of others such as family members, foster carers, social workers and other professionals who know the child or young person.

Jamie is 13 years old and has depression. A meeting was convened to discuss his additional support needs but he made it clear that he would not attend. He agreed with his guidance teacher that a video could be made of them discussing what additional support he would find helpful.

### Communication with children and young people

11. Good communication with children and young people is essential to enabling them to influence decisions made about their learning. This applies equally to education generally, and at specific points related to co-ordinated support plans. There are many reasons why a child or young person may have difficulty in expressing their views. For example, communication with young children requires a range of different strategies which could include play, art, and the use of audio and video. Education authorities should take account of the good practice points at the end of this chapter.
12. Representatives of other appropriate agencies may be able to provide guidance and support to children and young people to help them express their views. They may also be able to provide guidance and support to other people involved in meetings on the best methods of communication. For example, a speech and language therapist may offer guidance on the appropriate level of language or communication method to use to ensure the child or young person understands and how best to facilitate and support their response.
13. When noting views, particularly where the child or young person has communication support needs, it is helpful to consider two factors. First, what the child or young person actually expressed, whether through speech, in writing, tape, sign or other form of communication such as facial expression or body posture. Second, what interpretation was made of the child's or young person's view and by whom. Both should be noted.



### Taking account of views

14. Having sought the child's or young person's views, and recorded what these are, education authorities need to consider what weight to give to them. Taking account of these views does not mean education authorities have to accept and implement everything. At the same time, once sought and expressed, these views should not be disregarded and due weight should be given with consideration of the following:
- the child's capacity to understand the information on which their views were based
  - the ability of the child or young person to express his or her own views
  - the child's or young person's understanding of the range of options
  - how well the people reporting the child's or young person's views know him or her.
15. It is important that a balance is struck between what a child or young person may want and what is realistic and appropriate. Where an education authority are unable to act on a child's or young person's views, reasons for this should be provided to them as appropriate.

### Children and young people who lack capacity

16. The Act provides for children or young people who may lack capacity to do something; for example, where they are incapable of doing something by reason of mental illness, developmental disorder, or learning disability, or are unable to communicate because of a physical disability. However, the Act makes it clear that children or young people should not be treated as lacking capacity by reason only of a lack or deficiency of communication where an alternative means of communication or interpretation, (human or mechanical), would assist the child or young person to make his or her views known.
17. The question of whether children or young people have the capacity to do something must be considered at each stage of their involvement. When asked for a view, the child's or young person's capacity should be judged at that point and in relation to their ability to express a view with regard to the particular circumstances. For example, it should not be assumed that because young people lack the capacity to request the authority to establish whether they have additional support needs that they lack the capacity to understand, or hold a view on, the support considered appropriate.

## chapter 6

18. Questions of capacity arise particularly for young people, that is, people over 16 who are not yet 18. Young people enjoy the same rights as parents under the Act unless they are considered to lack capacity to exercise their rights. It is for the education authority to satisfy themselves that a young person lacks capacity to exercise their rights at the particular time and in relation to the particular issue. This will be best done in discussion with those who know the young person well or have the professional expertise to assess his or her capacity.
19. The Act allows parents to speak and act for their child, or young person, where the child or young person lacks capacity to express a view. Nevertheless, it is important to continue to support the child's or young person's participation in decision-making, at an appropriate level, at the same time as seeking the views of their parents.
20. Those who are closest to the child or young person can often give an informed view on whether or not he or she can understand a particular matter. These could include parents, foster carers, teaching and therapy staff or social workers. A speech and language therapy assessment of comprehension should inform this process where there are differences in opinion or significant uncertainty about comprehension. The education authority should consider what they say when being called on to make a decision about capacity. It is best to reach such decisions by consensus recording clearly why such a view was reached and how it was arrived at. Where a parent, child or young person, disagrees with the authority's decision this should be recorded.
21. An education authority will also need to take note of the arrangements for decision-making under the Adults with Incapacity (Scotland) Act 2000 and any persons with legal powers in respect of an adult for whom the authority is providing school education. An adult under this legislation is someone aged 16 and over.

s12(2)



## Good practice in communicating with children and young people

### A child or young person may benefit from:

- being given enough time to prepare and to go over the ideas and material to be discussed
- being given information in a form which is readily understood
- a teacher or other helper to help understand the meaning of key terms and concepts
- a supportive communication facilitator to tease out the full meaning of all of the issues
- specialised or new vocabulary (perhaps in sign or symbol form) in order to discuss a particular topic
- support to go over ideas, perhaps on several occasions
- help to understand outcomes and agreements.

### Issues related to language:

- if spoken English is not the child's or young person's first language, consider using an interpreter
- consider using a facilitator for those with language or speech difficulties
- use appropriate alternative or augmentative communication systems such as visual aids and/or sign language for deaf and/or communication impaired children or young people
- take account of any cultural preferences
- take time to explain what decision has to be made, why it is important and how the child or young person can influence it.

## Supporting parents

22. All professionals, schools, education authorities and other appropriate agencies should seek actively to involve parents in their work with children. They should value parents' contribution and regard them as partners in their children's learning.
23. In good practice, authorities and other agencies will ensure that parents are fully aware of the processes for assessing and providing for children's needs, understand the planning mechanisms and are familiar with the support services available from the school, the education authority and from other agencies, including voluntary organisations. Wherever possible, a partnership approach should be extended to include older children and young people.

# chapter 6

24. Access to information and advice is central. The Act requires education authorities to publish information about certain specified matters including their policies, arrangements and the role of parents. They should ensure, in discharging their statutory information duties, that they use accessible language and take account of the child's or young person's, and the parents', rights to information and advice about the authority's provision for additional support needs. The authority should have a named contact person for additional support needs who can provide parents with information on the availability of supporters and advocates. Education authorities should also be aware of the valuable role the voluntary sector has in supporting parents and should aim to establish links and support effective working, wherever possible.

s26

## Supporters and advocacy

25. Supporters and advocates can help by making sure that a parent's or young person's view is understood, put across and taken account of in discussions where parents or young people feel unable or less confident to do so themselves.
26. The Act provides young people and parents with the right to have a supporter or advocate present at any discussions or meetings with an education authority in regard to the authority's functions under the Act. The education authority must comply with the wish to have a supporter or advocate present unless these wishes are unreasonable. Education authorities should, as a matter of good practice, make parents and young people aware of this right and how they can find out how to access such services.
27. Although a child does not have a right to have a supporter or advocate present, and the education authority does not have a duty to allow it, there is nothing to stop a child making such a request, and an education authority agreeing to it, where it would be in the interest of the child.

s14



## Supporters

28. A supporter can be anyone the parent or young person wants to nominate. A supporter could be a relative, friend, befriender or voluntary organisation worker or other person. The supporter could also be a professional working with the family provided there is no conflict of interest with that professional's duty under the Act or his/her responsibilities as an employee. A supporter can attend discussions with the parent or young person. The supporter may assist in a number of different ways, including:

- acting as a sounding board for the parent in preparing for the meeting
- taking notes so that the parent or young person can participate more fully in the discussions
- suggesting points for further clarification, questions to ask or giving advice to the parent during the meeting.

## Advocates

s14(1)(b)

29. The Act allows for a parent or young person to appoint a person to conduct all or part of any discussion with the education authority or make written or other representation to the authority on their behalf. This person, known as an advocate, can come from a range of backgrounds, including:

- someone who has acted, or is already acting, as a supporter to the parent or young person – the parent or young person may wish the supporter to speak on his or her behalf
- a person not trained in advocacy but who is aware of education and other legislation and/or the needs of the child or young person who has additional support needs
- a voluntary organisation which need not be an advocacy organisation
- a formal advocacy service or agency, with trained advocates, possibly operating to its own guidelines or code of practice.

30. The main objectives of an advocate should be to speak up on behalf of the parent or young person and to represent the parent or young person at discussions.

31. Education authorities do not have a duty to provide or pay for a supporter or advocate. They should include, in their information materials for parents, details about the right to an advocate or a supporter, and how parents or young people can find out what services are in their area.

# chapter 6

## Unreasonable requests and conduct

32. An education authority might consider it unreasonable to include a supporter or advocate in discussions, where the supporter or advocate is unable to represent the parent or young person appropriately. In such circumstances, the authority should provide the parent or young person with their reasons for taking this view.

## Good practice in communicating with parents

33. Education authorities should take account of the following good practice points when working with parents.

### Professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child
- consider the child's strengths as well as areas of additional need
- 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 linguistic barriers.

### Information should be:

- clear and understandable and avoid jargon
- provided easily in accessible formats
- readily available and provided automatically without a charge and without a 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 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 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 to allow 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:**

- roles and responsibilities are 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 timescale committed to – if a decision is likely to take time, parents are told and given some idea of when a decision is likely.

# chapter 7

## Resolving Disagreements

1. Use of the good practice guidance in chapter 6 can help to avoid disagreements or prevent them from escalating into more serious disputes. This chapter looks at provisions under the Act for resolving disputes where these do arise. The Act makes provision both for mediation services and arrangements for independent adjudication to resolve disputes. It also provides parents and young people with rights to refer particular matters to the Additional Support Needs Tribunals for Scotland ("the tribunal").
2. It is expected that most disagreements will be resolved at school and education authority level with only a small number going to formal review procedures. Education authorities and schools should have clear staged disagreement and resolution procedures in place, with named contacts at each stage. The diagram on page 102 outlines how the Act's provisions sit within an overall framework for avoiding and resolving disagreements. The following paragraphs look at each of the three new mechanisms: mediation, dispute resolution and the tribunal.

### Mediation

*Every education authority must make such arrangements as they consider appropriate for the provision of independent mediation services for the purposes of seeking to avoid or resolve disagreements between the authority and -*

- (a) parents of children belonging to the area of the authority,*
- (b) young persons belonging to that area, or*
- (c) in relation to any such young persons who lack capacity to express a view or make a decision for those purposes, their parents,*

*concerning the exercise by the authority of their functions under this Act in relation to such children or young persons.*

s15(1)

### Aims and benefits

3. An education authority must have mediation services in place for disagreements relating to matters concerning the exercise of the authority's functions under the Act in relation to children and young people belonging to their area. Mediation provides an option for avoiding, resolving or narrowing the area of disagreement between the authority and parents or young people belonging to the area of the authority. It allows disputing parties to seek to resolve their differences with the assistance of a mediator acting as an impartial third party.



4. Mediation services can help families and authorities to build or rebuild a positive relationship, leading to co-operation in making arrangements for the child or young person. They can help avoid conflicts that arise out of misunderstandings or lack of shared information by helping parents, teachers, authority officials and others involved to communicate directly with one another. The overriding principle is that the disputing parties come to a shared agreement on how to resolve their disagreement themselves.
5. Mediation can be used at any time in the life of a disagreement between an authority and parents or a young person. The process can be used more than once as it can be useful for resolving parts of a disagreement, as well as the whole of a disagreement. It can improve strained relationships among individuals who have experienced conflict in the past and prevent the escalation of disagreements.
6. Mediation may not be appropriate in all cases. For example, the parents or young person may not wish to engage in mediation. In addition, the provision of mediation under the Act is not the appropriate vehicle for parents who have disagreements with the school about issues other than additional support needs. In such situations, parents should follow normal school and authority complaints procedures.
7. Parents and young people must be informed that taking a disagreement to mediation in no way affects their entitlement to refer any competent matter to other appropriate formal or statutory review routes. For example, the parents or young person may wish to make a reference to the tribunal, in respect of relevant matters concerning a co-ordinated support plan.
8. The education authority's mediation services must be available, free of charge, to parents or young people. If the young person lacks the capacity to express a view or make a decision, then parents can pursue mediation on behalf of the young person.

#### Independent services

s15(2)

*Mediation services are independent... if the person providing the services has no involvement in the exercise by or on behalf of the authority of their functions under this Act (apart from this section).*

9. An authority may choose to offer as mediators, staff members not directly involved in the particular case or school or from outside the department providing education services or making decisions relating to additional support needs. Alternatively, the authority may choose to employ a freelance mediator on a case-by-case basis, or to contract with a mediator or a mediation provider using a service level agreement. They may also choose to collaborate with another authority to provide mediation on a reciprocal basis.

RESPONSIBLE

INCLUDED

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10. Objectivity and impartiality are key principles for whichever option is chosen. All parties concerned need to be satisfied that the mediator is truly independent. All parties should be assured that mediators are appropriately trained, engaged in continuing professional development and operate to recognised standards. Appropriate checks should be carried out on all mediators. There should be policies in place to ensure confidentiality and appropriate safeguards for personal information.
11. The Act gives parents and young people the right to have a supporter or advocate present at any discussions or meetings with the education authority. This should apply equally to mediation sessions, although it is important that mediation remains as a joint problem-solving process rather than an adversarial forum. Therefore, it is not envisaged that the parties would bring legal representation to mediation. All participants, including the child, need to feel confident that their views and concerns will receive equal respect. The purpose of mediation is to achieve a solution to a difference of views and is not about apportioning blame.
12. Parents of children for whose school education the authority are not responsible but who belong to the education authority's area have access to an education authority's mediation services. Mediation is to be available where the disagreement relates to the authority's exercise of its functions under the Act. For example, a parent of a child at an independent or grant-aided school, for whose school education the authority are not responsible, may wish to use the mediation services because the authority have refused to respond to a request from the parents to establish whether the child has additional support needs. However, the parent would not be able to use the mediation services to resolve a disagreement which did not involve the education authority's functions under the Act, such as a disagreement with the school itself. s7(2)(a)(i)
13. There will be circumstances where, as a result of a placing request, a child or young person is receiving school education in an education authority other than the education authority for the area to which the child or young person belongs. As discussed in chapter 4, paragraphs 6, 7 and 8, the former education authority are referred to as the host education authority, the latter the home education authority. The home education authority have a duty to provide mediation services to the parents of children or young people belonging to their area. Although they are not obliged to do so, a host education authority should consider making their mediation service available to parents of a child or young person who request it. s26(2)(e)



### Other issues

14. The Act requires education authorities to publish information on the independent mediation arrangements they have in place within their area. This information should be widely available for authority staff and parents and young people. There should also be administrative support for arranging mediation meetings at a neutral venue with all the relevant people. Arrangements should be made for recording outcomes and providing a copy of these to the parents or the young person.
15. The education authority should have clear procedures in place to evaluate and monitor arrangements for their mediation services. Further detail on the features of mediation services, performance issues and sources of information are referred to in Annex C and the resources section.

Mrs Campbell's son, Alex has had a succession of supply teachers this term and she is concerned that his work is suffering due to the lack of continuity. She spoke to the current supply teacher who was not able to reassure her. The school had already issued information on resolving disagreements to which she referred. Mrs Campbell met with the head teacher in the first instance who listened to her concerns. The head teacher provided Mrs Campbell with some examples of Alex's work which showed that he was making suitable progress with his learning. Mrs Campbell was happy with this outcome.

Mr & Mrs Jacks have a son Paul aged 14 who has been diagnosed with Asperger's Syndrome. The transition from his local mainstream primary school to secondary proved very difficult. Increasingly frustrated by what they saw as the school's inability to meet Paul's needs, his parents withdrew him from school and educated him themselves at home.

Although the home education programme was working out very well, his parents felt that Paul was socially isolated from his peers and would benefit from returning to school. Agreement with the home education authority over a suitable school proved difficult and over time the positions of both parties had become increasingly entrenched, with a lot of distrust and negative feelings building up. Both parties agreed to explore further discussions with the help of an independent mediator.

Following discussion, both parties agreed that Paul's home education programme would continue, and that an additional support needs teacher from Paul's local school with autism specific training would begin some outreach support work with a view to helping Paul work towards attending his local school. Initially this was on a part-time basis, until if, and when, Paul and his parents were comfortable with this step.

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Lorna is 8 years old. She has significant physical disabilities and moderate learning difficulties, and attends her local primary school with the support of an auxiliary. Her mum, Cathy, was generally pleased with the placement, but became anxious about the increasing gap between Lorna's learning abilities and those of her peers.

Cathy began speaking to the class teacher daily about Lorna's progress. The teacher found this difficult to manage. In an effort to support her staff, the head teacher asked Cathy to stop the daily meetings. Cathy took offence at this and complained about the head teacher's attitude to various people in the education authority including the Director of Education.

Both sides agreed to explore the issues in a mediation session. With help of the mediator they were able to reach an acceptable outcome. Cathy's need for communication about Lorna's progress would be met by the use of a daily home-school diary. The classroom auxiliary would take responsibility for this, with guidance from the teacher. Cathy and the teacher would meet up once a month for one hour, and if Cathy had any problems she wished to discuss she could telephone the head teacher. Everyone agreed that they would meet again to review these arrangements after 6 months.

## Resolving disputes by independent adjudication

16. The Act enables Scottish Ministers, to require education authorities to put in place procedures to resolve disputes, regarding the exercise by the education authority of any of their functions under the Act, as prescribed in Regulations, which arise between the authority and any parents or young people belonging to the local authority's area. The procedures must be free of charge. Parents, and young people, cannot be compelled to use any dispute resolution procedure put in place. Also, the use of dispute resolution does not affect their entitlement to make a referral to the tribunal, or any other statutory review mechanism, where appropriate.
17. The Dispute Resolution Regulations prescribe which disputes relating to particular functions of the authority under the Act will be subject to dispute resolution by independent adjudication and timescales for the process.
18. In the context of the Act, the procedure for resolving disputes allows for a formal review of an individual case by an independent third party, external to the local authority, who considers the circumstances leading to the disagreement and makes a report with recommendations for all parties.

s16



### What does it cover?

19. The service is for disagreements about the way the authority are exercising their functions under the Act, as prescribed in Regulations, as these relate to the education of individual children or young people, and where such functions are not covered by formal review routes. In broad terms, it covers the concerns of children and young people with additional support needs where the tribunal does not have jurisdiction to accept a referral of the case.
20. Disagreements may be about the assessment of additional support needs; or the level of provision required or being provided to meet them, such as auxiliary support; or support from another agency required to enable the authority to discharge their functions under the Act. It can also include cases where the authority fails to implement the requirements of a co-ordinated support plan.
21. As with mediation services, access to an education authority's dispute resolution arrangements is for parents of children or young people belonging to the area of the authority, irrespective of whether the authority are responsible for a particular child's or young person's school education. However, the matter in dispute must be related to the authority's exercise of its functions under the Act.

### What does it not cover?

22. Dispute resolution does not cover matters which can be taken through statutory review routes, such as to the tribunal (see paragraphs 31-43 below). It also does not cover disagreements relating to the refusal of a placing request made under Schedule 2 of the Act. Such a disagreement can be taken to the education authority appeals committee and subsequently to a Sheriff, or the tribunal if a co-ordinated support plan is involved. Education authority appeals committees will continue to deal with issues concerning exclusions.
23. There will be circumstances where, as a result of a placing request, a child or young person is receiving school education in an education authority other than the education authority for the area to which the child or young person belongs. The former education authority are referred to as the host education authority, the latter the home education authority. The home education authority have a duty to provide dispute resolution to the parents of children or young people belonging to their area. Although they are not obliged to do so, a host education authority should consider making their arrangements for dispute resolution services available to parents of a child or young person who request it. This could include disputes where the child or young person is receiving school education in that host authority as a result of a placing request.

# chapter 7

24. In addition, dispute resolution is not for issues relating to broader strategy or policy matters or about allegations of misconduct or, for example, school closures. It is also not intended to be for personal disputes between parents and any member of staff at the school or education authority. All such matters should continue to follow established local authority complaint procedures.

## Information on dispute resolution

25. The education authority should publish information on their dispute resolution procedures and keep that information up to date. This information should be readily available to parents and young people. These procedures should be kept under review.

## Process of external independent adjudication

26. Education authorities should acknowledge all requests from parents for disagreements to be referred to dispute resolution by independent adjudication. Where a request relates to a matter covered by the Dispute Resolution Regulations the education authority will ask Scottish Ministers to nominate an adjudicator to consider the case. The Scottish Executive will provide the name of an adjudicator from the panel set up by them. The education authority should review the case with a view to establishing that all appropriate steps have been taken to resolve the disagreement. They should prepare all appropriate papers for forwarding to the adjudicator. In addition, they should inform parents of how they can present their case to the adjudicator and what support is available to help them do this. Further detailed guidance will be issued.
27. The role of the adjudicator is to review, objectively and independently, all the information relating to the case, and make recommendations for both parties on the best way forward to ensure that the child's learning is supported with reference to the terms of the Act. The adjudication process is a paper exercise. However, the adjudicator will be able to ask the parties for further information or clarification if required. Exceptionally, the adjudicator may arrange to meet the parties, for example, if the adjudicator is concerned that one party, or both parties, may have been disadvantaged by the way the case has been presented.
28. The expectation is that both parties will accept the outcome of the process. Education authorities do not have a legal duty to implement the conclusions of the adjudication. However, it is generally expected that the authority will do so provided these are not incompatible with their statutory or other duties or would not unduly prejudice the discharge by the education authority of any of its functions. Any recommendations made by the adjudicator, therefore, should be accepted in all but exceptional circumstances. The education authority should give reasons for their decision to accept or reject the adjudicator's recommendations.



### Timescales

29. The process of independent adjudication should not normally take more than 8 weeks from the time the education authority confirms that they are making arrangements for the parents' request for their case to be referred to dispute resolution to a report with recommendations being made by the adjudicator. In exceptional cases it may take longer, for example, where a request for dispute resolution is made close to or during school holiday periods. Both parties to the dispute should endeavour within this timescale to exchange information about each parties' case and their comments on the other parties' proposals to resolve the areas of disagreement.

### Monitoring

30. Education authorities should record the number of cases which have been referred to dispute resolution and their outcomes for monitoring purposes. Further information will be available in the Scottish Executive's procedural guidance on provision for resolving disputes.

### Additional Support Needs Tribunals

s18

31. The tribunal will hear references from parents and young people on matters relating to co-ordinated support plans. The tribunal's statutory functions, decisions and dealings with its users and the public are independent of government, national and local.

32. The aims of the tribunal are:

- to provide independent and expert adjudication, operating impartially, efficiently and effectively, in accordance with the Act
- to be user-friendly through informal and flexible proceedings and being accessible to users
- to discourage formal, litigious encounters between parents and education authorities by providing a forum for constructive dialogue, and
- to make decisions which reflect best practice in relation to additional support needs.

s19(7)

33. In exercising its powers in relation to a reference made to it, the tribunal must take account of the code of practice. When considering the facts of a case, the tribunal will take account of the extent to which the education authority (and other bodies) have had regard to the code prior to the hearing. When determining the content of a decision, the tribunal will be informed by the code. The tribunal decision may require an education authority to take action on a time frame set by the tribunal.

# chapter 7

s18

34. The Act and associated procedural rules make provision for parents and young people to make references to the tribunal under the following circumstances. Any parent or young person, or where the young person lacks capacity, the parent, may refer to the tribunal decisions of an education authority:
- to prepare a co-ordinated support plan
  - not to prepare a co-ordinated support plan
  - to continue a co-ordinated support plan
  - to discontinue a co-ordinated support plan
  - regarding the timescales for the co-ordinated support plan, or
  - not to comply with a request to establish whether a child or young person a co-ordinated support plan.
35. In addition, they may make a reference to the tribunal, where a co-ordinated support plan exists, on:
- the information contained in the co-ordinated support plan by virtue of section 9(2)(a) of the act.
  - failure of the authority to review the co-ordinated support plan by the expiry date (ie 12 months from the date it was prepared) or within the timescale set by regulations, or
  - the decision of the authority to refuse a request from a parent or young person to review the co-ordinated support plan.
36. Reference to the tribunal may also be made regarding the refusal of a placing request in certain circumstances. These are where a co-ordinated support plan exists or where a co-ordinated support plan is required but is not yet prepared. A reference may also be made where a co-ordinated support plan has been refused and that decision has been referred to the tribunal and the reference has not yet been determined by the tribunal.

## Parental right to make a reference

37. The relevant education authority is responsible for informing parents of their right to make a reference to the tribunal, whenever the authority makes a decision in relation to any of the matters listed above. Education authorities should explain this right to make a reference in any relevant documentation, e.g. accompanying a co-ordinated support plan. The education authority should also make clear to parents that they may bring a supporter or advocate to the tribunal hearing as well as at other discussions with the authority (subject to any restrictions in the tribunal rules of procedure).



38. The President of the tribunal once appointed is expected to produce detailed guidance, primarily for parents, but also useful to education authorities and others on how to make a reference. The code of practice does not address this.

### Tribunal and dispute resolution

39. The Act and Regulations provide for resolving disputes through independent adjudication which broadly cover matters which are outside the tribunal's remit. These are principally cases in which the child has additional support needs but does not require a co-ordinated support plan. Dispute resolution arrangements are not for matters which are within the jurisdiction of the tribunal.
40. The use of dispute resolution procedures does not in any way affect the parents' entitlement to take a matter to the tribunal. Where a child's circumstances change such that they fall within the remit of the tribunal, previous discussions held as part of the process of dispute resolution are to be treated in confidence by both sides unless otherwise agreed. However, the outcome of previous dispute resolution may be relevant to the tribunal and, where both parties agree, may be brought to the attention of the tribunal.

### Tribunal and mediation

41. The use of mediation procedures does not in any way affect the parents' entitlement to take a matter to the tribunal. Conversely, the making of a reference to the tribunal does not in any way affect their entitlement to use mediation services. The education authority should make this clear to parents when the possibility of mediation is raised by parents or the authority.
42. The tribunal may wish to ascertain whether the parents were aware of any mediation services available (for statistical reasons). However, discussions held as part of mediation are to be treated in confidence by both sides unless otherwise agreed. This means they are not to be disclosed by either side in the papers for, or in the course of, the tribunal's proceedings.

### Tribunal rules and regulations

43. The Act provides for the tribunal to be governed by rules of procedure and regulations separate from the code of practice. The qualifications, training and experience required to be the President, conveners or members of the tribunal are set out in the Appointment of President, Conveners and Members and Disqualification Regulations. Procedural matters will be in the tribunal rules of procedure. The President has powers under the Act to make directions about the practice and procedure to be followed by the tribunal in relation to any matter.

s15(3)(b)

Sch1, para  
12

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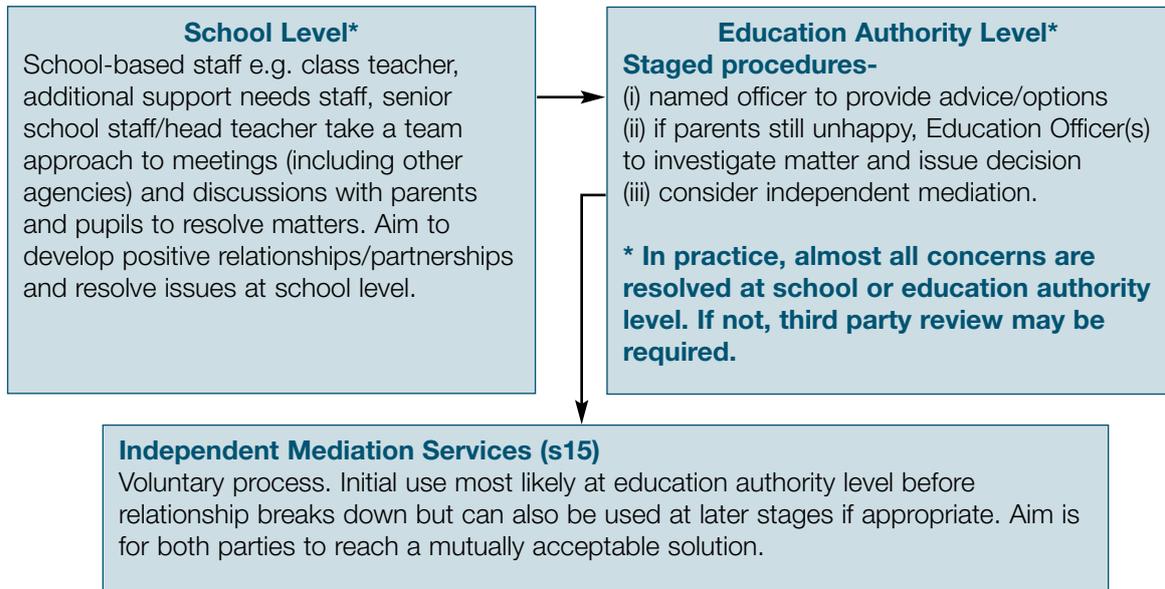
## Further recourse

44. Application of good practice and the arrangements described above should be sufficient to resolve, or determine, almost all cases of disagreement. Exceptionally, there may be a few cases where parents or young people will seek recourse elsewhere. This includes the right to refer alleged failings to carry out a statutory education duty to Scottish Ministers under section 70 of the Education (Scotland) Act 1980. Section 70 gives a discretionary power for Scottish Ministers to intervene where they are satisfied that an education authority or others have failed to discharge any duty imposed on them by education legislation. In considering any complaint under section 70, Scottish Ministers will wish to consider whether other more local forms of resolving disagreement have been tried. However, Scottish Ministers will not seek to intervene in relation to confidential discussions which take place in mediation or dispute resolution procedures under the Act. Nor will they take account of such discussions in reaching any decision under section 70 of the 1980 Act except where all parties agree to this being made available to Scottish Ministers.
45. Parents or young people may refer issues of service failure or maladministration to the Scottish Public Services Ombudsman, or in appropriate cases, seek judicial review in the courts of the actions of an education authority.

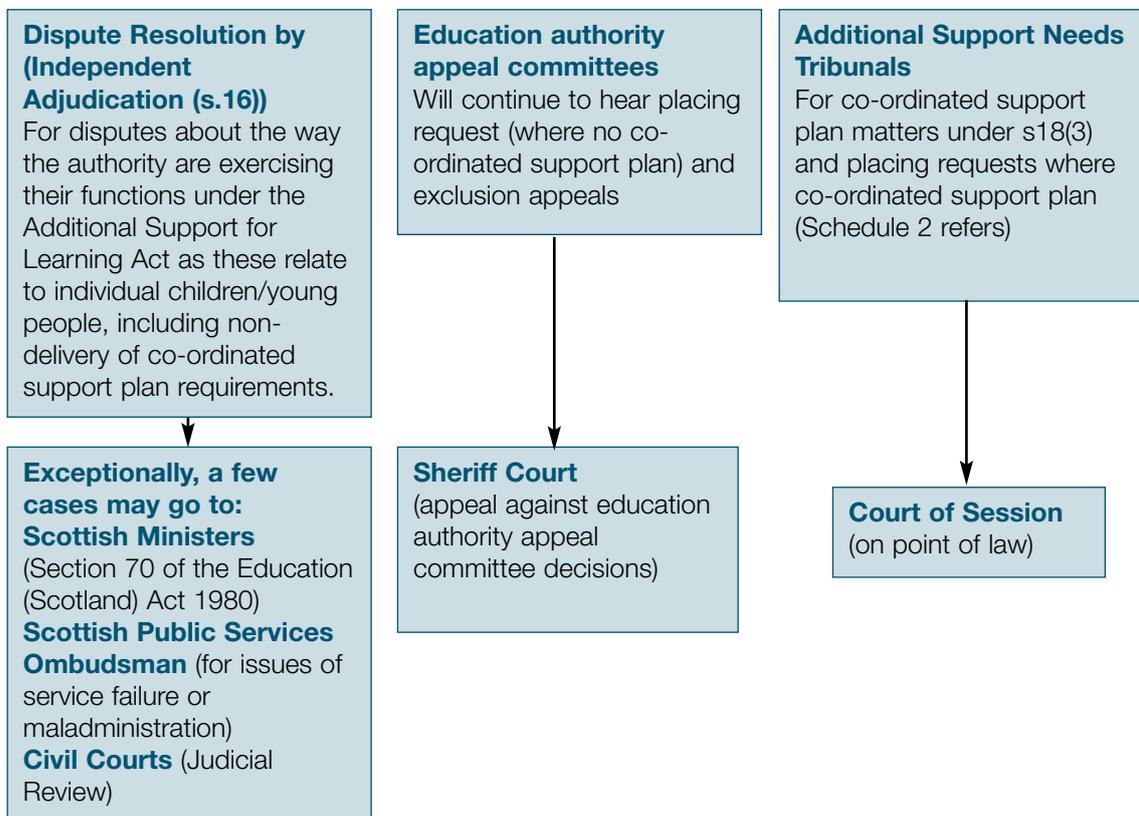


## Framework for resolving disagreements

### PARTIES REACH AGREED OUTCOME AT LOCAL LEVEL



### THIRD PARTY REVIEW AND RECOMMENDATION



# chapter 7

## Good Practice

46. This and the preceding chapter have highlighted how early dialogue with good support and advice can help prevent disputes arising in the first instance. The following good practice points have been identified by HMIE from their inspection work in schools and areas where good communication structures are in place and where parents reported positively.

### Good practice points on preventing and resolving disagreements

- the provision of high quality information and advice to parents and education authorities through a variety of forums and groups in a range of formats and media. All education authority staff to be fully aware of such services provided by the authority
- parents are offered opportunities to engage with independent officers with a parental advocacy role and also have access to parents' forums/groups to discuss matters of concern
- effective support through strong links with the voluntary sector – services are offered to parents through which they are able to seek impartial information and advice on an authority's services
- involvement of parents and pupils in Joint Assessment Teams or School Liaison Groups. Such involvement results in improved communication and contributes to positive relationships between parents, pupils and staff
- good pupil support initiatives e.g. pupil council forums where pupils could raise complaints; circle time, use of class representatives to highlight issues; good relationships with pastoral care teachers; restorative practices, e.g. buddy/peer mentoring initiatives; advocacy schemes with the voluntary sector
- clearly stated tiered approach for dealing with disagreements from school through to the education authority, with defined timescales for responses
- training for staff and parents in communication, aspects of mediation and conflict resolution skills as part of an effective partnership strategy
- dedicated staff members trained to deal with disagreements, e.g. telephone hot lines for staff and parents; advice and conciliation services for parents and staff specialising in conflict resolution
- procedures for monitoring the effectiveness of arrangements for dealing with disagreements to inform quality assurance and future provision.





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# chapter 8

## General Provisions

1. This chapter covers a range of miscellaneous provisions in the Act not covered in earlier chapters of the code.

### Placing Requests

2. The system relating to placing requests where the child has additional support needs is in Schedule 2 of the Act. Whilst the scheme there is largely like that which operates where the child does not have additional support needs (which is contained in sections 28A to G of the Education (Scotland) Act 1980) there are some notable differences. The more important of these differences are highlighted below. Young persons with additional support needs have the same placing request rights as parents of children with additional support needs. For ease of reference the following refers to parents, but young persons also have these rights in their own name.
3. Parents of a child with additional support needs can make a request:
  - for their child to attend any school under the management of an education authority, which includes a nursery school and a partnership provider where an authority has entered into arrangements for other persons to provide pre-school education
  - for their child to attend an independent special school or a grant-aided special school in Scotland. Parents make the request to the education authority for the area to which their child belongs. Before doing so, they must ensure that the managers of the school they wish their child to attend are willing to admit their child.
4. Parents are not able to make a placing request under the Act for an independent or grant-aided school which is not a special school.

### Elsewhere in the United Kingdom

5. Parents of children who have additional support needs may make a placing request, to the education authority for the area to which the child belongs, for a school in England, Wales or Northern Ireland that makes provision wholly or mainly for children with additional support needs. Again, before doing so, they must establish that the school is willing to admit the child.



### Outwith the United Kingdom

6. There is no duty upon the education authority to comply with a request for a child to attend any establishment (whether or not a school) outside the UK. However, section 25 does give the power to an education authority to make such arrangements as they consider appropriate to enable a child or young person with additional support needs to attend an establishment which could be a school outwith the UK. The establishment has to make provision, wholly or mainly, for people having such additional support needs. Education authorities have discretion as to what arrangements they consider appropriate and the power allows an education authority to meet wholly or partly the fees payable, or the travelling, maintenance and other expenses in respect of the child's or young person's attendance at the establishment. They can also meet similar expenses for the parents or some other person, where they consider it to the advantage of the child or young person that one or other of the parents or some other person should be present, during the time the child or young person is attending the establishment,

### Costs of placement

7. When a pupil with additional support needs attends a school, which is not an education authority school, as a result of a placing request, the education authority must meet the fees and other necessary costs of the placement.

### Timing of placing requests

8. Parents of children with additional support needs can make a placing request at any stage of a child's education. The authority must notify them of that right where a child is due to start at one of its schools, or where the authority propose that the child should, for any reason, be moved to a new or different school. An education authority should invite parents to take part in consultations leading to the school placement for children with additional support needs. They should also provide parents with the opportunity to visit the school or schools proposed.

### Rights of young people

9. Young people have the same rights to make placing requests on their own behalf as parents have for their children. Where the education authority are satisfied that a young person is not capable of making a request then the young person's parents have the right to make a placing request for the young person.

# chapter 8

## Grounds for refusal of placing requests

10. An education authority must comply with a placing request unless one or more or a number of the exceptions contained in paragraph 3 of Schedule 2 to the Act apply. For example, an education authority may refuse a request if the specified school is a special school, and for the authority to place a child there, would cause it to be in breach of its duty to provide mainstream education.
11. A request may be refused if to comply involves significant expenditure on extending or otherwise altering the accommodation or facilities at the school. In refusing a request under these grounds, an education authority would have to act reasonably in assessing what amounts to significant expenditure. For a complete list of all the potential grounds of refusal, users of the code should have regard to the provisions in paragraph 3 of Schedule 2 of the Act.

s15 2000  
Act

## Refusal of request involving a school not under the management of an education authority

12. Additionally, an education authority do not have to comply with a placing request for an independent, or grant-aided, special school in Scotland (or a school in England, Wales or Northern Ireland making provision for children or young people with additional support needs) where, for example:
  - the child does not have the additional support needs requiring the education or special facilities normally provided at the school
  - the authority are able to make alternative provision for the child (which may or may not be in one of their schools) and it is not reasonable to place the child or young person in the specified school, having regard to both the respective suitability and cost of the provision for his or her additional support needs there and in the school which she or he would otherwise attend and has been offered a place
  - if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child.
13. In considering the grounds in paragraph 3(1)(f) of Schedule 2 to the Act and whether the individual circumstances of the request justify its use, an authority may wish to consider whether the provision made in the specified school can justify the costs of attendance there.

## Power to accept a placing request

14. Schedule 2 gives an education authority the power to accept a placing request notwithstanding the fact that there are the grounds for refusal.



### Reserved places

15. An education authority can also refuse a placing request, in certain circumstances, in respect of a child who is resident outwith the catchment area of the specified school. This is where accepting the placing request would prevent the authority retaining places (known as “reserved places”) at certain schools for incomers to the area served by the school.

### Appeals

16. An education authority must inform parents in writing of their decision on a placing request. Parents or young people can then proceed to appeal, if necessary. In complying with a successful placing request, an education authority should update, where appropriate, the nomination of the school in a child’s, or young person’s, co-ordinated support plan.
17. An education authority will be deemed to have refused a placing request made in accordance with Schedule 2 paragraph 2 of the Act if:
- they have not informed the parent or young person in writing of their decision by the 30th April on a request made on or before 15th March for a school placement at the start of the school year in the following August, or
  - in the case of any other placing request, on the expiry of the period of 2 months (excluding school holidays), immediately following receipt by the authority of the placing request.

### Appeal routes

18. Parents of a child with additional support needs can refer a decision by an authority to refuse a placing request to the education authority appeal committee, set up under the 1980 Act. However, the Act makes specific provision for placing request appeals in which there is an issue relating to the co-ordinated support plan and that co-ordinated support plan related issue has been referred to the tribunal. An appeal against a refused placing request will be referred to the tribunal instead of an education authority appeal committee when:

- a child or young person has a co-ordinated support plan, or
- it has been established that the child or young person requires a co-ordinated support plan but one has not yet been prepared, or
- the education authority have decided that the child or young person does not require a co-ordinated support plan and that decision has been referred to the tribunal by the parents or young person.

s18(1)

# chapter 8

## Education authority appeal committee

19. An appeal committee set up under Section 28D of the 1980 Act, can confirm or refuse to confirm an authority's decision to refuse a placing request. Where they refuse to confirm the authority's decision, the appeal committee must either require the authority to place a child in the public school specified in the request or require the authority to meet the fees and other necessary costs of a child's attendance at the specified special school. This could be an independent or grant-aided school, a school in England, Wales or Northern Ireland which caters for children and young people with additional support needs or a school where education is provided by the education authority under arrangements made under section 35 of the 2000 Act. The authority must comply with a decision of the appeal committee. Where an appeal committee uphold an authority's decision to refuse the placing request, they must notify the parents of their right to make an appeal to a sheriff.
20. When an appeal committee have not disposed of a placing request appeal and they are made aware by the tribunal that a reference has been made to the tribunal about the refusal of a co-ordinated support plan, the appeal committee must transfer the placing request appeal to the tribunal for consideration. The appeal committee are not required to take any further action until the tribunal's decision on the co-ordinated support plan is made.
21. If the tribunal upholds the education authority's decision that the child or young person does not require a co-ordinated support plan then the placing request appeal is returned to the appeal committee for determination.
22. An appeal committee will be deemed to have confirmed the decision of the education authority if they have:
  - failed to hold a hearing within 2 months immediately following receipt by them of the reference
  - failed within the period of 14 days immediately following an adjournment of a hearing, to fix a date for a resumed hearing of the reference
  - failed to notify the parents or young person who made the reference and the education authority of their decision and the reasons for it within the period of 14 days immediately following the conclusions of the hearing.



### Appeals to the Sheriff from an appeal committee

23. A parent who has made a reference to an appeal committee may appeal to the Sheriff against the decision of the appeal committee on that reference. In such a case, the education authority may be a party to the appeal to the Sheriff, not the appeal committee. An appeal must be made by way of summary application and lodged within 28 days from the date of receipt of the appeal committee's decision. The Sheriff may hear an appeal, in the event of a late application, if the parents can show good cause for the delay in submitting the appeal.
24. The Sheriff can confirm or refuse to confirm the authority's decision to refuse a placing request. Where the Sheriff refuses to confirm the authority's decision, the Sheriff must require the authority to place the child in the specified public school requested or require the authority to meet the fees and other necessary costs of a child's or young person's attendance at the specified special school. This could be an independent or grant-aided school, a school in England, Wales or Northern Ireland which caters for children and young people with additional support needs or a school where education is provided by the education authority under arrangements made under section 35 of the 2000 Act. The authority must comply with a decision of the Sheriff. The Sheriff has the power to make an order as to the expenses of an appeal to the Sheriff as she or he sees fit. The judgement of a Sheriff on an appeal is final.
25. When a Sheriff has not yet disposed of a placing request appeal and is made aware by the tribunal that a reference has been made to the tribunal about a decision that the child to whom the appeal to the sheriff relates does not require a co-ordinated support plan, the Sheriff must transfer the placing request appeal to the tribunal for consideration. On being transferred to the tribunal the appeal is to be treated as if it were a reference made to the tribunal under section 18(1) of the Act.
26. If the tribunal upholds the education authority's decision that the child or young person does not require a co-ordinated support plan then the placing request appeal is referred to the appeal committee.
27. Further information and guidance on placing requests, including the various appeal routes described above, can be found at Annex D, in the Placing Requests Regulations and in the resources section.

# chapter 8

## Publishing information

28. The Act requires an education authority to publish information about a range of specified matters relating to additional support needs. They must also keep that information under review and revise and republish that information as necessary or appropriate. Those specified matters include information about each authority's:
- policy in relation to provision for additional support needs
  - arrangements for identifying children and young people with additional support needs and those who may require a co-ordinated support plan
  - notification of the role of parents, children and young people in any of the arrangements
  - arrangements for monitoring and reviewing the adequacy of additional support for children and young people with additional support needs
  - arrangements for independent mediation services, including details of the service and how to access it
  - officer(s) from whom parents of children having additional support needs, or young people who have these needs, can obtain further information and advice.
29. Education authorities should also include information on practice for:
- arrangements for support for learning
  - the types of support available
  - how parents or young people can make requests for assessment
  - the management of reviews.
30. The authority should also publish information about its arrangements for resolving disagreements between the authority and parents of children belonging to the area of the authority, or young people belonging to the area of the authority, in respect of any of the authority's functions under the Act. This information should set these arrangements in the overall context of the arrangements which a particular authority has for preventing disagreements arising, and resolving them when they do arise.
31. The Regulations on information to be published further provide that education authorities must also publish information about any NHS Board in their area, or part of the area, and such other recognised agencies or organisations that can provide further support, information and advice to parents and young people that it considers appropriate and where this information is already known to the education authority or is easily obtainable. This could be contact details for the speech and language therapy service, for Social Work Services or for local and national voluntary organisations, including support and advocacy services under section 14 of the Act.

s26

s28



32. The Regulations require education authorities to have published this information within three months of Section 26 of the Act being fully commenced (expected mid November 2005). The Regulations also include requirements on where the information should be published and that it should be available on request in alternative forms such as on audio tape, in Braille or through sign language.

### **Requests under the Act**

33. The Act uses the word “request” in a number of different provisions and the term has been specifically defined. This provision allows authorities to be clear as to the reasons for the requests being made. A “request” is one which is in writing, or another form which can be used for future reference, for example, where the request has been recorded in audio or video format. Where, an education authority refuses a request under the Act, they must inform the person who made the request and provide reasons for their decision. They must also provide details of their arrangements for mediation and/or dispute resolution procedures except where the request is from the managers of an independent or grant-aided school in relation to a child or young person being provided with education there.
34. Where the request is a placing request, the education authority must inform the person who made the request of their right to either refer the decision to an appeal committee, or to the tribunal where appropriate.
35. When education authorities are replying to or informing parents or young people they must do so in writing which could include e-mail if the parent or young person agrees or another form as the parent or young person may require which can be used for future reference. Where a parent or young person has made a “request” in a particular form such as e-mail then the education authority should reply similarly or at least in a form that meets any particular known needs or preference of the parent or young person.

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## Links to other legislation, policies and guidance

The Act should be read alongside other legislation and policy supporting children and young people in Scotland. Some of the main aspects of these are set out below.

### Legislation

#### Equality issues

Equality for all underpins the Act. It allows schools, local authorities and other agencies to address additional support needs which may arise as a result of inequality and discrimination.

The **Human Rights Act 1998** incorporates the European Convention on Human Rights into Scots law. It supports the requirement for local authorities and other bodies not to discriminate on grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 14

The **Disability Discrimination Act 1995**, as amended, requires local authorities and schools not to treat disabled pupils less favourably and to make reasonable adjustments to avoid putting them at a substantial disadvantage.

The **Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002** places a duty on education authorities, managers of grant-aided schools and the owners of independent schools to prepare a strategy to increase, over time, the physical accessibility of the school environment and the accessibility of the curriculum for pupils with disabilities and prospective pupils with disabilities. The strategy must also provide for the improvement of communication with pupils with disabilities, especially in relation to the provision of school information.

The **Children (Scotland) Act 1995** establishes the responsibilities of services, providers and parents in matters affecting children's care and welfare. Local authorities must provide services designed to minimise the impact of disabilities on children and to allow them to lead lives which are as fulfilling as possible. Children's views must be sought and taken account of in key decisions that affect them.

s23

s6

The **Race Relations (Amendment) Act 2000** places a general duty on public bodies, including education authorities in respect of schools they manage, to eliminate unlawful racial discrimination and to promote equality and good race relations. Education authorities must have a race equality policy and make arrangements for schools to monitor and assess the impact of their policies on pupils, staff and parents from different racial groups, including in relation to attainment.



## School education

Under the **Education (Scotland) Act 1980** education authorities must provide adequate and efficient school education for children of school age within their area. The **Standards in Scotland's Schools etc. Act 2000** places education authorities under a duty to secure that the education provided is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

s15(1)(b)  
and s40  
2000 Act

Education authorities should provide education to school age pupils in a mainstream setting unless certain exceptions apply. Education authorities must make special arrangements for pupils who are unable, or where it would be unreasonable to expect them, to attend school through prolonged ill-health.

s2(2) 2000  
Act

Education legislation gives certain rights to parents and young people rather than to **children** in their own right. However, the 2000 Act recognises that children should have the right to express views on issues that affect them. Chapter 6 of the code describes where children's views should be taken into account under the new Act.

s2 Age of  
Legal  
Capacity  
Act 1991

The new Act also sits alongside legislation which recognises that children with legal capacity are able to make some decisions on their own behalf. For example, a child over 12 may consent to any medical procedure or treatment and instruct a solicitor in relation to civil matters so long as he or she is considered capable of understanding their nature and possible consequences.

**Young people** (young persons in legislation) have similar rights to parents regarding school education. They may also express their views on, and take decisions about, their school education.

Adults with  
Incapacity  
(Scotland)  
Act 2000

The law provides for decisions to be made on behalf of adults who lack legal capacity to do so themselves because of mental disorder or inability to communicate. Adults are defined as being over 16 years of age. The decisions concerned may be about the adult's property or financial affairs, or about their personal welfare, including medical treatment. Professionals carrying out functions under the Additional Support for Learning Act should have due regard to the provisions of the Adults with Incapacity Act.

s30 1980  
Act

**Parents**, under the 1980 Act, must ensure that their children of school age receive adequate education suitable for the age ability and aptitude of their child, either by sending their child to a school managed by the education authority, or by other means, for example an independent school or home education.

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Parents must, where it is in the interests of the child and is practicable, safeguard and promote their child's health, development and welfare. This also applies to anyone over 16 who has care or control of a child under the age of 16. In addition, parents can provide their children who are under 18 years of age, with appropriate direction and guidance. They should maintain personal relations and direct contact with their son or daughter on a regular basis, if they do not live with their child. Parents can also act as their child's legal representative. Where a person takes a major decision in fulfilling a parental responsibility or right under the 1995 Act they must have regard to the views of the child, taking account of the child's age and maturity and whether the child wishes to express a view.

Children  
(Scotland)  
Act 1995

### Other legislation

The **NHS Reform (Scotland) Act 2004** provides the legislative framework for the development of Community Health Partnerships which lays strong emphasis on partnership, integration and design.

The **Protection of Children (Scotland) Act 2003** introduced safeguards to prevent unsuitable people from working with children. The Act covers a range of childcare positions defined in the 2003 Act, not just those involved in directly caring for, training, supervising or being in sole charge of children. It includes those whose normal duties include work in educational establishments or in hospitals which are mainly for children.

Professionals carrying out functions under the **Mental Health (Care and Treatment) (Scotland) Act 2003** should have due regard to the provisions within education legislation, as there may be instances where there is some crossover between them.

The **Antisocial Behaviour etc (Scotland) Act 2004** introduces Parenting Orders which are compulsory measures designed to support people to improve their parenting where they have been identified as needing help with their parenting skills. Antisocial Behaviour Orders are introduced for 12 to 15 year olds and are intended to deal with a small number of persistently antisocial young people for whom available alternatives are not working. The Act gives the Reporter and a children's hearing power to refer a child who has been excluded from school to Scottish Ministers if it appears that the local authority have failed to comply with its duty to provide education to excluded children and young people. These aspects of the Act could lead to a child or young person having additional support needs. Children and young people who become looked after could be particularly vulnerable in any of the above circumstances.



The **Further and Higher Education (Scotland) Act 1992** requires that adequate and efficient provision of further and higher education is made in Scotland. Due regard should be given to the requirements of those over school age who have a learning difficulty or disability which may affect their education. In preparing young people for leaving school, teachers should be aware of legislation covering further and higher education. Under the **Further and Higher Education (Scotland) Act 2005**, the Scottish Further and Higher Education Funding Council must have regard to the support needs of students and prospective students of further education colleges and higher education institutions.

### Policy

The Scottish Executive has a wide range of policies which supports the development and well-being of Scotland's children and young people. The broad definition of additional support needs means that application of the Act's provisions requires effective interaction across policies in a number of areas. The following paragraphs describe some of these policy areas.

### Overview

The Act complements Scottish Ministers' high expectations and aspirations for all of Scotland's children and young people. These expectations and aspirations apply across agency, service and professional boundaries. Ministers' aspiration for all children and young people in Scotland is that they should be successful learners, confident individuals, responsible citizens and effective contributors to society and at work. Ministers believe that children and young people should be:

**Safe:** they should be protected from abuse, neglect and harm by others at home, at school and in the community.

**Nurtured:** they should live within a supportive family setting, with additional assistance if required, or, where this is not possible, within another caring setting, ensuring a positive and rewarding childhood experience.

**Healthy:** they should enjoy the highest attainable standards of physical and mental health, with access to suitable healthcare and support for safe and healthy lifestyle choices.

**Achieving:** they should have access to positive learning environments and opportunities to develop their skills, confidence and self esteem to the fullest potential.

**Active:** they should be active with opportunities and encouragement to participate in play and recreation, including sport.

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**Respected & Responsible:** they and their carers should be involved in decisions that affect them, should have their voices heard and should be encouraged to play an active and responsible role in their communities.

**Included:** they and their carers should have access to high quality services, when required, and should be assisted to overcome the social, educational, physical, environmental and economic barriers that create inequality.

## Integrated Children's Services

Local authorities, NHS Boards and other appropriate agencies are expected to work together to ensure effective integrated children's services. In doing so, they require to draw together core statutory and other planning requirements into a single statutory plan. These include Children's Services Plans, Statements of Education Improvement Objectives and Records of Achievement, child health elements of Local Health Plans, Joint Health Improvement Plans and Child Health Strategies, and Youth Justice Strategies. **Integrated Children's Services Plans** must include reference to services for vulnerable children and children in need, including arrangements for early intervention and support within universal services and targeted additional support where required. Given the broad concept of additional support needs there is a need to integrate policies to ensure that factors affecting vulnerable children and children in need do not lead to an adverse effect on their learning.

The Scottish Executive report, *For Scotland's Children*, highlighted the importance of an integrated approach to service delivery and the need for better information sharing between agencies. The Scottish Executive is developing a model for an **Integrated Assessment Framework** which will support agencies to work together. The aim is to facilitate efficient and effective information sharing and assessment and lead to integrated support for children across all agencies. The framework will be based on a common set of core data that can be shared across organisations. The duties on other agencies to assist education authorities meet their duties under the Act will help the development of such an integrated approach to the provision of school education, family support and health services.

## Education

The Standards in Scotland's Schools etc. Act 2000 requires that Scottish Ministers should set national priorities in education. Five **National Priorities in Education** underpin the Scottish Executive's education policies. These are:

**Achievement and Attainment:** to raise standards of educational attainment for all in schools, especially in the core skills of literacy and numeracy, and to achieve better levels in national measures of achievement including examination results.



**Framework for Learning:** to support and develop the skills of teachers, the self discipline of pupils and to enhance school environments so that they are conducive to teaching and learning.

**Inclusion and Equality:** to promote equality and help every pupil benefit from education, with particular regard paid to pupils with disabilities and special educational needs, and to Gaelic and other lesser used languages.

**Values and Citizenship:** to work with parents to teach pupils respect for self and one another and their interdependence with other members of their neighbourhood and society, and to teach them the duties and responsibilities of citizenship in a democratic society.

**Learning for Life:** to equip pupils with the foundation skills, attitudes and expectations necessary to prosper in a changing society, and to encourage creativity and ambition.

All 5 priorities are relevant to ensuring that children and young people with additional support needs receive the help they require. The priorities are delivered in a range of educational settings, but the overarching context is one of schools developing their capacity to provide for the full range of children and young people within education.

**Integrated Community Schools** have the twin aims of promoting social inclusion and raising educational standards in Scotland. They require teachers, social workers, family workers and health personnel to work together to develop common objectives and goals centred on the needs of children at school and on their families. This approach is essential to secure good outcomes, not only for children's education, but also for their social welfare, their health and the well being of the community where they live.

The Scottish Executive's approach to delivering **integrated early years services** is aimed at giving young children, up to the age of 6, the best possible start in life. It offers a framework for the effective provision of universal and targeted services for children and their families and provides a vision of integrated early years services based on partnerships at all levels. Building on existing provision, Scottish Ministers want to see the development of multi-faceted services, bringing together childcare, pre-school education and some healthcare services focused on young children.

The Scottish Executive report *Better Behaviour – Better Learning* provides recommendations for schools and education authorities to develop a policy framework and appropriate practices to promote **positive behaviour** in schools. These policies and practices should enable school staff to ensure that learning and teaching takes place with the minimum of disruption through good classroom and school management, and through

## annex a

a clear understanding of all staff and pupils of expectations for behaviour. *Better Behaviour – Better Learning* recognises the importance of early intervention and of co-ordinating support for pupils with behavioural difficulties.

The Scottish Executive also has a wide range of policies across health, social work and other agencies which supports children and young people who have additional support needs.

### Health

**Community Health Partnerships** are beginning to take shape across Scotland. These partnerships will have a significant influence on the organisation and delivery of person-centred locally integrated services. They will be a focus for integrating primary and specialist health services at a local level, will help advance and deliver the health improvement agenda, and will influence the deployment of resources. They will also have a lead role in the delivery of services for children and young people at a local level.

*Community Health Partnership Statutory Guidance* has been published to support the establishment of partnerships. Supplementary advice has also been issued on how partnership should inform local approaches to the integration of children's services. The guidance and supplementary advice recognise that one model does not fit all, and that approaches will develop to fit local circumstances.

The Scottish Executive 2003 review of speech and language therapy, physiotherapy and occupational **therapy services** for children, called on service providers to develop new methods of working in non-traditional and inclusive settings, such as mainstream schools and nurseries and other community settings. Other recommendations called on local authorities and NHSScotland to develop integrated approaches to the provision of therapy and other related interventions for children. Work is being undertaken to address the review's recommendations and this will dovetail with the Act.

The Scottish Executive publication, *Health for All Children (Hall 4)*, provides guidance on **health screening** based on recommendations made by the Royal College of Paediatrics and Child Health. It sets *Hall 4* in the context of other Scottish policies to promote effective and integrated provision of universal and targeted services for children and families, and describes the activity needed for implementation at national and local levels. The guidance provides a holistic approach to child health surveillance and screening in Scotland. It also describes initiatives that will inform effective child health promotion and surveillance.

The Scottish Executive guidance, *A Scottish Framework for Nursing in Schools*, sets out the role of the school nursing team and standards for practice in **school medical services**. NHS Health Scotland is undertaking development work on a school health



profiling tool that will inform the development of school health plans and, ultimately, the school planning process. This will inform school-based approaches to health improvement, including the activities of the school nursing service within each school. The role of the school nursing service will move away from a focus on routine surveillance, towards a combination of school population-focused health improvement, and addressing the individual health needs of vulnerable children. In accordance with the recommendations in both *Hall 4* and *A Scottish Framework for Nursing in Schools*, there should be a named nurse for each school, with access to a wider team of health support such as community children's nurses, paediatricians and therapists.

The Scottish Executive is developing a framework for children and young people's **mental health**. *Children and Young People's Mental Health: A Framework for Promotion, Prevention and Care* sets out a range of activities and approaches to support children and young people's mental health and wellbeing. The framework has been developed to support integrated approaches to children and young people's mental health, across mental health promotion, prevention of mental illness, and care and treatment for those with mental health problems. It highlights mental health promotion and stresses the importance of considering the child's global environment, recognising elements which support mental health and wellbeing as well as those factors which may increase the risk of mental health problems, including the potential impact of a parent's ill health on their child.

The framework promotes a "mainstream" approach to mental health and wellbeing, which equips a range of health and other children's services professionals with the basic skills to be able to support parents in developing a basic understanding of risk and protective factors that may affect their child's mental health and wellbeing. To support this, NHS Education for Scotland has published a mental health competency framework for all those involved in supporting children, young people and their families. Education policy and practice already has a strong focus on promoting and supporting emotional wellbeing, and the **Health Promoting Schools** concept broadens this focus beyond the curriculum to a "whole school approach".

### Children and families

The Scottish Executive has embarked upon a programme to reform **child protection** services following the Audit and Review of Child Protection, *It's everyone's job to make sure I'm alright*. The programme includes a *Children's Charter* and a *Framework for Standards* for child protection. The charter sets out the support that the most vulnerable children have the right to expect. The framework sets out what children in Scotland can expect from professionals and agencies to ensure that they are adequately protected and their needs are met. The child protection reform programme is underpinned by a range of work across the Executive on integrated children's services and early intervention strategies.

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The Scottish Executive review of the **children's hearings** system, *Getting It Right For Every Child*, proposed that measures to improve the hearings system be linked to improvements in the wider network of children's support services. There are concerns that children are not receiving support when they need it, and that many are being referred to the Children's Reporter when more effective local action would be more appropriate. The Scottish Executive is consulting on phase 2 of the Hearings Review, including options to strengthen individual agency and collective responsibility for identifying and addressing children's needs. This will link with, and build on, the work to develop an Integrated Assessment Framework, outlined previously, and with the developments underway within the child protection reform programme.

The joint Her Majesty's Inspectorate of Education/Social Work Services Inspectorate inspection report, *Learning with Care*, looked at the education of **children looked after** away from home by local authorities. It included specific recommendations for social work and educational services provided by local authorities. The additional support needs framework is relevant for the work of all professionals working with children who are looked after.

The Scottish Executive report, *Improving the Effectiveness of the Youth Justice System*, established a set of national standards for Scotland's **youth justice** services. Every local authority must have a multi-disciplinary youth justice team to implement these standards and to achieve the national target of reducing the number of persistent offenders. The development of national standards for youth justice will take place in the context of integrated children's services at a national and a local level and the strategy for youth justice services will be incorporated in integrated children's services plans.

The Scottish Executive has published its response to *Hidden Harm – The Report of the Inquiry by the Advisory Council on the Misuse of Drugs* which sets out the measures, either underway or in the planning stages, to tackle the problem across Scotland. In addition, to its response, the Executive has set up the *Hidden Harm* New Agenda Steering Group to oversee the implementation of the report's recommendations, but also to promote progression from joint planning of separate services to achieving more integrated service planning and delivery for children of substance misusing parents.



### Post-school education services

Following the report of the Beattie Committee, *Implementing Inclusiveness: Realising Potential* (1999), the Scottish Executive endorsed the principle that inclusiveness should underpin all post-school education. Inclusiveness is about providing learning opportunities that give the best match to the needs of the individual. All **further education** colleges in Scotland continue to develop inclusive, learner-centred policies. The Scottish Executive has published *Partnership Matters* which provides guidance to local authorities, NHS Boards and voluntary organisations on supporting students with additional needs in further education. The guidance sets out the roles and responsibilities of all the agencies involved and encourages a partnership approach to cross-agency working. It recognises that young people may experience barriers to accessing and participating in learning, and that colleges and schools may be required to work together to plan for and prepare the young person for transition from school to post-school education.

As part of the commitment to providing learning opportunities that give the best match to the needs of the individual, the Executive has published a consultation paper, *Finding Practical Solutions to Complex Needs*, about the arrangements for supported further education places and funding for students with complex needs. Further information is available in the resources section.

*The same as you?* review of services for people with learning disabilities called for an inclusive approach to services for children, young people and adults with **learning disabilities** and autistic spectrum disorders. It highlighted how the transition phase between child and adult services is crucial and the need for partnership between local authorities and NHS Boards in planning services. Work on taking forward the recommendations from the review is well underway. This includes publication of *Working for a change?* which aims to improve employment opportunities for people who want to work, and emphasises the importance of support during the transition to post-school employment, education and training. A further report on implementation of *The same as you?* for children is due to be published in autumn 2005.

## annex b

## Co-ordinated Support Plan Format

Here insert the Unique Pupil Identifier (UPI) for the child or young person, if available

**SCHEDULE**  
**CONFIDENTIAL**

Official use:

Date of first  
CSP/subsequent  
amended versions

Set out name of authority

**CO-ORDINATED SUPPORT PLAN**

for [insert forename(s) and family name of child/young person]

**Home Address:**

The address where the child resides the majority of the time and where a parent or recognised carer for the child also lives

**Contact Telephone Number:**

**Date of Birth:**

**Gender:**

**Preferred language/communication method**

The child's language of preference/method of communication used to make themselves understood, i.e. signing, lip-speaking, by using communication aids or symbols, audio equipment, Braille

**School currently attended:**

**Date of Entry to Current School:**

**Parental Details:**

Details of the child's parent(s) and/or those adults who have or share responsibility for their care, such as foster carers, a relative or social work services should be recorded here. The template will only contain 2 boxes but additional boxes can be added as required

**Surname:**

**Forename(s):**

**Relationship to child/young person:**

**Address (if different from child's/young person's)**



Contact Telephone Number:

Preferred language/communication method: [as above]

Surname:

Forename(s):

Relationship to child/young person:

Address (if different from child's/young person's)

Contact Telephone Number:

Preferred language/communication method: [as above]



## annex b

**Profile**  
(here set out a summary of the child's/young person's skills and capabilities and any other relevant information)

The purpose of the profile is to build up a holistic pen-picture of the child or young person. It should focus on the positive aspects of the child's/young person's life, for example his/her skills and capabilities. It may also include information about the type of placement or curricular guidelines he/she follows, the other plans he/she has as well as the activities he/she likes to do or how he/she likes to learn. The person responsible for drawing up the co-ordinated support plan will have to summarise information provided by the child or young person, their parents and the other people who know/work with the child or young person. The result should be a summary that encapsulates the child or young person.

The size of the box will not be restricted to the space that appears in the statutory form in the Regulations.

**Factors giving rise to additional support needs**  
(here set out the factors which give rise to the child's/young person's additional support needs)

The complex or multiple factor or factors may be diagnostic labels such as autistic spectrum disorders, learning disability or clinical depression. In other cases the factor or factors may be more descriptive and related directly to the personal circumstances of the child or young person or family. All factors should be included.

While these will be the education authority's conclusions, they will be based on the multi-agency assessment information, including that provided by the parents or young person, which underpins the plan.

The size of the box will not be restricted to the space that appears in the statutory form in the Regulations.

<p><b>Educational objectives</b> (here set out the educational objectives that require co-ordination of support for the child/young person, taking account of the factors giving rise to additional support needs)</p>	<p><b>Additional support required</b> (here set out the additional support required by the child/young person to achieve each of the educational objectives)</p>	<p><b>Persons providing the additional support</b> (here specify the persons by whom the additional support shall be provided)</p>
<p>Educational objectives should be viewed in the widest sense as encompassing a holistic view of the child or young person. Objectives can include, for example, those required for personal and social development or to improve communication skills (see chapter 4 of the Code for more details).  The objectives should be specific and should be set for a minimum of 12 months but this could be longer depending on the individual circumstances of the child or young person.</p>	<p>This will include teaching and other staffing arrangements, appropriate facilities and resources, including information and communications technology, and any particular approaches to learning and teaching to be used.  The statement of the support to be provided should be clear and specific and, wherever possible, should be quantified.</p>	<p>These will be the agencies or professions providing the support, i.e. 'speech and language therapist', 'social worker', 'Barnardo's' but not the actual names of the individuals.</p>



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## Nominated School

This should be the name and address of the school it is intended that the child or young person will attend

Name of School:

Address:

Telephone Number:

Head Teacher:

Nature of Placement:  
(part-time, day, residential, base, joint-placement)

## Parental Comment

(here set out the views of the parent on the Plan)

The views, if any, of the parent(s) on any aspects of the co-ordinated support plan process as well as the plan itself should be recorded here. Parents should, wherever possible, complete these themselves or they could provide the education authority with written or verbal comments to be inserted. Alternative forms of communication can be used, such as a CD-ROM or the use of signs or symbols. Parents should consider areas such as their involvement in the process, including the drafting of the plan, and whether their views have been adequately taken into account.

The size of the box will not be restricted to the space that appears in the statutory form in the Regulations.

## Child's/Young Person's Comments

(here set out the views of the child or young person on the Plan)

The views, if any, of the child or young person on any aspects of the co-ordinated support plan process as well as the plan itself should be recorded here. Children and young people should be enabled to complete these themselves or they could provide the education authority with written or verbal comments to be inserted. Alternative forms of communication can be used, such as a CD-ROM or the use of signs or symbols. Children and young people should be encouraged to consider areas such as their involvement in the process, including the drafting of the plan, and whether their views have been adequately taken into account.

The size of the box will not be restricted to the space that appears in the statutory form in the Regulations.



**Co-ordinated Support Plan Review Timetable**

Date co-ordinated support plan made/amended:  
(delete as applicable)

Date by which review must begin:  
(on the expiry of 12 months from the date the Plan was made/amended)

Date by which review must be completed:  
(within 12 weeks of the date on which the review began)

**Education Authority Contact Points****Additional Support Provision Co-ordinator**

This person is responsible, on behalf of the education authority, for co-ordinating the additional support required by the child/young person as detailed in this co-ordinated support plan.

Surname: Forename(s):

Contact Address: Contact Telephone Number:

Work Position/Title:

**Parental Advice and Information on the co-ordinated support plan**

The parent of a child with a co-ordinated support plan or a young person with a co-ordinated support plan may obtain advice and further information from the following person:

Surname: Forename(s):

Contact Address: Contact Telephone Number:

Work Position/Title:

In accordance with section 11 of the Education (Additional Support for Learning) (Scotland) Act 2004 ("the Act") and the Education (Co-ordinated Support Plan) (Scotland) Regulations 2005 ("the Regulations"), this co-ordinated support plan is made/amended (delete as applicable) by [insert name of education authority] on [insert date] in respect of [insert name of child or young person].

Name: Work Position/Title:  
Signed (authorised officer of the authority)

## annex c

### Features of mediation

The following features of mediation and performance evaluation have been provided by a range of mediation service providers.

#### Features

**It is voluntary.** It is important that the parties come to the table in good faith, with a will to settle the dispute. The dispute will only be resolved in mediation if the parties voluntarily decide on a way forward which is mutually acceptable.

**It is confidential.** This means that issues and ideas for resolution of the conflict can be discussed during the mediation without fear of them being used against the parties in the future, if no agreement is reached.

**Mediations are easily arranged.** Usually it only takes a few phone calls for a session to be set up at a neutral venue. It is essential that all the people who have decision making responsibility about the dispute are available.

**Mediations tend to be informal.** The mediator is trained to make the meetings as accessible as possible for everyone involved.

**It is balanced.** Everyone has a fair chance to be heard. Mediation provides an opportunity for all the parties to say what is important to them and to hear the other party's perspectives.

**The parties control the agenda and outcomes.** The mediation approach is problem-solving rather than adversarial so creative options for settlement are often the result. In mediation, the parties speak for themselves and make their own decisions.

#### Monitoring and evaluation arrangements

Mediation service managers should be responsible for ensuring that evaluation takes place and that the findings are used to improve services. School personnel, authority officials, parents, young people, and mediators are all both stakeholders and informants — they provide information and, to differing degrees, use evaluation information to make decisions about future courses of action.

#### Performance

A qualitative evaluation process may be more appropriate for mediation. Some performance issues that are critical to the varying purposes of mediation evaluation are listed overleaf:



**Performance Areas**

**Key Performance Issues**

Service Efficiency

Cost to participants  
Time from referral to resolution

Service Effectiveness

Outcomes of mediation  
Participant satisfaction with mediated outcomes  
Durability of mediated outcomes  
Impact on relationship between participants  
Impartiality of the service

Mediation Process

Appropriateness & usefulness  
Preparation process and materials  
Fairness (opportunity to tell story, feeling understood, respectful treatment, control over outcomes)

Mediator Performance

Skills of the mediator  
Knowledge of the mediator  
Impartiality of the mediator

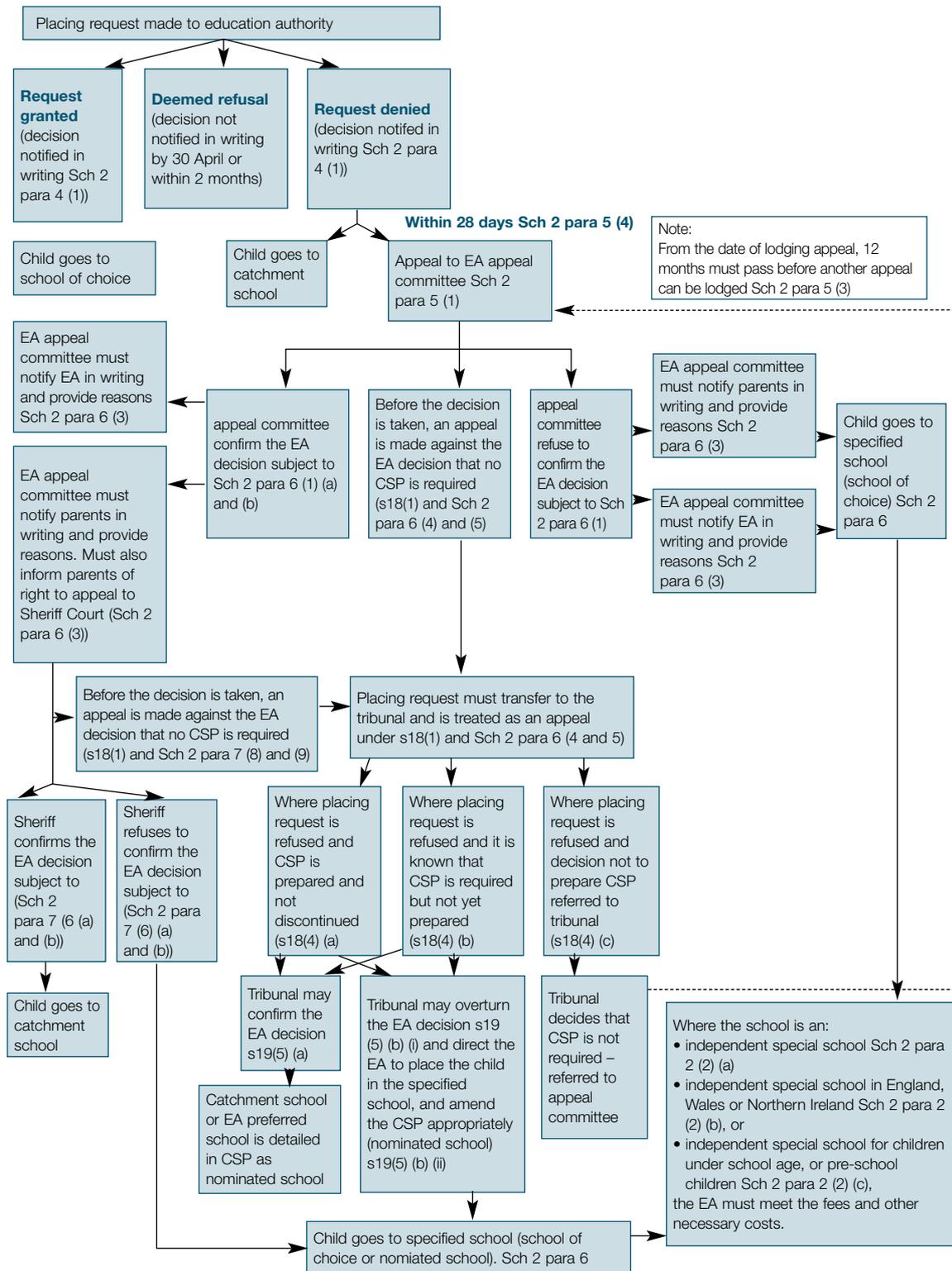
**Further information**

Sources of further information on good practice in mediation are provided in the resources section.



# annex d

## Placing request routes





INCLUDED

RESPONSIBLE



# glossary

**Action plan** – a structured plan which sets out timescales, responsibilities and services required to meet a child's or young person's assessed needs (see entries for integrated action plan, personal learning planning, individualised educational programme, co-ordinated support plan and looked after care plan.)

**Additional support** – provision which is additional to, or otherwise different from, the educational provision made generally by an education authority for children and young people of the same age in schools (other than special schools) under the management of the education authority.

**Appropriate agency** – an agency, or any person, specified in the Act, or by regulation, as having duties under the Act. Other agencies, whether statutory or voluntary, may work with local authorities to support a child's or young person's learning without being under a statutory duty.

**Assessment** – an ongoing process of gathering, structuring and making sense of information about a child or young person, and their circumstances, in order to inform decisions about the actions necessary to maximise their potential.

**Advocate** – someone chosen by a parent, or young person, to conduct discussions on their behalf with an education authority or to make representations to the authority, or the tribunal.

**Carer** – includes parents and other people with parental responsibilities, for example, public foster carers, relatives and friends who are caring for children and young people under supervision requirements, and close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision requirements. (see also parent)

**Co-ordinator** – person responsible for ensuring, so far as possible, that the services required to deliver the additional support identified in the co-ordinated support plan are in place for the child or young person and for taking action to secure services when necessary.

**Complex factor** – in the context of a co-ordinated support plan is a factor which has or is likely to have a significant adverse effect on the school education of the child or young person.

**Co-ordinated support plan** – a statutory strategic planning document to co-ordinate the provision of services for those children and young people, who meet the criteria, to help them work towards their agreed long-term educational objectives.



**Dispute resolution** – the involvement, under regulations supporting the Act, of an independent adjudicator to review a disagreement between parents, or a young person, and an education authority, over the exercise by the authority of any of its duties or functions under the Act, and to make recommendations for parties aimed at resolving the dispute.

**Disability** – the code uses the definition of disability, set out in the Disability Discrimination Act 1995, as being 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.

**Duty** – where the law requires an education authority or appropriate agency to do something. (see **power**)

**Education authority** – in legal terms, education authority and local authority are both defined as a council constituted under section 2 of the Local Government etc (Scotland) Act 1994. The code refers to an education authority when considering a local authority’s educational functions; and to a local authority when referring to functions other than educational ones, such as social work services.

**Grant-aided school** – a school in receipt of grant funding from the Scottish Executive. At present there are 8 such schools. Jordanhill School and 7 special schools – Corseford, Craighalbert Centre, Donaldson’s College, East Park, Harmeny, The Royal Blind School and Stanmore.

**Holistic** – a holistic view is one which addresses the whole child and his/her circumstances rather than focusing on specific isolated aspects.

**Independent school** – a school at which full time education is provided for children or young people of school age (whether or not such education is also provided for children or young people over that age), not being a public school or grant-aided school.

**Individualised Educational Programme** – written document which outlines the steps to be taken to help children and young people who have additional support needs to achieve specified learning outcomes. (see resources section)

**Integrated Assessment Framework** – a common means for all agencies and professionals to assess children’s and young people’s needs and to share information about them in order to ensure that interventions at any level lead to improvements in the child’s or young person’s life. (see policy section in annex a)

# glossary

**Looked after child or young person** – the Children (Scotland) Act 1995 has a statutory definition of a looked after child. These are children or young people who are accommodated by the local authority; or are subject to one of the specified orders, including a child protection order; a parental responsibilities order; or are subject to a supervision requirement whilst living at home.

**Looked after care plan** – a written care plan for a child or young person looked after by a local authority. It includes consideration of the child or young person's family contact arrangements as well as education, health and future care arrangements.

**Mediation** – a voluntary process whereby an independent third party seeks to enable parties to a disagreement to reach an agreed resolution of their differences.

**Multi-disciplinary** – where more than one professional from different disciplines within the same agency work together (e.g. speech therapist and health visitor).

**Multi-agency** – where professionals from different agencies work together (e.g. teachers and health or social workers).

**Multiple factors** – in the context of a co-ordinated support plan, these are factors which are not by themselves complex but which, when taken together, have or are likely to have a significant adverse effect on a child's or young person's school education.

**Parent** – has the same meaning as section 135(1) of the Education (Scotland) Act 1980, as amended, and includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of, a child or young person. (see also **carer**)

**Personal learning planning** – process by which children, young people and parents are involved in discussions with the school about the goals of learning, including those for personal development. Its focus is on supporting dialogue and ultimately about engaging children and young people in their own learning.

**Placing request** – written request by parents made to an education authority for their child to attend a particular school. (see resources section for *Choosing a School*)

**Power** – where the law allows an education authority to do something, but there is no duty to do so.



**Pre-school provision** – the Act refers to pre-school provision (generally for 3 and 4 year olds (as within the categories of prescribed pre-school children) under the management of an education authority. It also covers circumstances where the education authority have an arrangement for the purposes of section 35 of the 2000 Act with a private provider, normally referred to as partnership nurseries. In certain circumstances, an education authority have a duty under the Act to make provision for disabled children under the age of 3 years.

**Prescribed pre-school child** – a child eligible for pre-school provision from the start of the school term following their 3rd birthday until the end of the school term before they are first eligible to attend primary school (generally between the ages of 3 and 5).

**School** – within the Act the term ‘school’ has the same meaning as in the 1980 Act and means a primary, secondary or special school, and includes nursery schools and independent and grant-aided schools.

**School age** – generally from the age of 5 to 16 years.

**Special school** – a school or any class or other unit forming part of a public school which is not itself a special school, the sole or main purpose of which is to provide education specially suited to the additional support needs of children or young people selected for attendance at the school, class or (as the case may be) unit by reason of those needs.

**Specified school** – a school identified in a placing request by a parent, or, as appropriate, a young person, which the parent wishes his or her son or daughter to attend, or the young person wishes to attend.

**Supporter** – someone chosen by the parent or young person to be present at any discussions with the authority or at the tribunal for the purpose of supporting them in the course of those discussions.

**Targeted services** – services which are designed to help specific children and young people for particular needs, e.g. social work, the Reporter, police, a whole range of voluntary sector provision.

**Transitions** – refers to changes in education, for example, starting nursery school, moving from primary to secondary school, transferring schools within or outwith an education authority’s area.

**Transitional arrangements** – safeguards in the Act to maintain provision, for a specified period, for children and young people who had a Record of Needs, immediately prior to the commencement of the Act. (see Scottish Executive *Transitional Arrangements Circular*.)

# glossary

**Universal services** – services which all children and young people have access to throughout their childhood, e.g. health and education provision.

**Young carer** – children and young people who provide care to a family member.

**Young people** – the code uses this term to refer to those young persons over school age (generally over 16 years) who are not yet 18 years of age, as per the definition in the 1980 Act.





# resources

This section provides links to sources of useful information. The information is grouped into web resources, publications, legislation and relevant organisations.

## Web Resources

The **Additional Support Needs Tribunals for Scotland** website provides information about the tribunal. <http://www.asntscotland.gov.uk>

The **Assessment is for Learning** programme seeks to provide a streamlined and coherent system of assessment. It will ensure that parents, teachers and other professionals have the feedback they need on pupils' learning and development needs. The website also has many links to other useful information. <http://www.ltscotland.org.uk/assess/texthome.asp>

The **Children's Hearings System** website contains background information on Children's Panels and provides information on what happens in a Hearing. <http://www.childrens-hearings.co.uk/>

The **Disability Rights Commission** (DRC) is an independent body established in April 2000 by an Act of Parliament to stop discrimination and promote equality of opportunity for disabled people. <http://www.drc-gb.org/>

The **don't give it, don't take it** resource has been developed to provide teachers and others who work with young people with material they can use to raise awareness of sectarianism and religious intolerance and encourage better mutual understanding. <http://www.ltscotland.org.uk/antisectarian/>

The **Enquire** service offers advice and information to parents and young people by way of a telephone helpline and through written responses to email and enquiries via the website. They provide training and outreach, and produce a range of free publications. <http://www.enquire.org.uk/>

The **Family Matters Working Together** multimedia pack supports bilingual key workers working in partnership with minority ethnic families of disabled children including those who are identified as having 'special educational needs' or requiring additional support. <http://www.ltscotland.org.uk/inclusiveeducation/publications/meldi/index.asp>



**IEP Scotwrite** is an electronic system for creating and managing targets within Individualised Educational Programmes.

<http://www.ltscotland.org.uk/inclusiveeducation/publications/success/iepscotwrite.asp>

The **inclusive education** web resource brings together a range of up-to-date information, useful resources and connections to relevant organisations relating to inclusion.

<http://www.ltscotland.org.uk/inclusiveeducation/index.asp>

**Learning and Teaching Scotland** offer support and guidance on all matters related to the curriculum in the early years, and primary and secondary education sectors in Scotland and promote learning through life. The website provides links to a number of other useful resources. <http://www.ltscotland.org.uk/index.asp>

The **NHSScotland Confidentiality and Data Protection** website contains information on the ways in which NHSScotland protects the personal data that it needs to use to deliver health care. It contains information on basic principles, consultation and links to resources, guidance and training on the issues of confidentiality and protection of personal data held by NHSScotland. <http://www.show.scot.nhs.uk/confidentiality/> or <http://www.nhsis.co.uk/confidentiality/>

The **Parentzone** website helps parents to get involved in their children's education. They can find information on education in Scotland and advice on supporting their child's learning. <http://www.parentzonescotland.gov.uk/>

The **Professional Development Programme for Educational Psychologists** in Scotland involves groups of educational psychologists from across local authorities working together to research and report on topics relating to additional support needs. Further information is contained at the attached link. <http://www.ltscotland.org.uk/pdp/>

The **toolkit for data sharing** is aimed at service providers, such as local authority and other public sector employees, who have to grapple with data sharing issues. It provides comprehensive, up-to-date information and guidance on information management practice and relevant legislation. It also provides information and links to current practice developed by a broad range of public service providers.

<http://www.dca.gov.uk/foi/sharing/toolkit/index.htm>

The Scottish Executive is expected to publish similar guidance relating to information sharing for children's services in summer 2005.

# resources

## Publications

*A Scottish Executive Review of Speech and Language Therapy, Physiotherapy and Occupational Therapy for Children and Speech and Language Therapy for Adults with Learning Disabilities and Autistic Spectrum Disorder*

<http://www.scotland.gov.uk/library5/health/rsltm-00.asp>

*A Scottish Framework for Nursing in Schools*

<http://www.scotland.gov.uk/library5/education/sfns-00.asp>

*Ambitious, excellent schools – agenda for action*

<http://www.scotland.gov.uk/library5/education/aesaa-00.asp>

*Better Behaviour – Better Learning*

<http://www.scotland.gov.uk/library3/education/rdtg-00.asp> and 2004 policy update

<http://www.scotland.gov.uk/library5/education/bbssu-00.asp>

*Choosing a School: A guide for parents*

<http://www.scotland.gov.uk/library5/education/cas04-00.asp>

*Code of Additional Support Needs Mediation Practice* – produced by the Govan Law Centre Education Law Unit, is based on the Yorkshire and Humberside SEN Mediation's guidelines and Code of Practice for Mediators. <http://www.edlaw.org.uk/ASNMed.pdf>

*don't give it, don't take it*

<http://www.scotland.gov.uk/Publications/2005/04/20840/54391>

*Five National Priorities in Education*

<http://www.scotland.gov.uk/library5/education/nper-00.asp>

*Finding Practical Solutions to Complex Needs: a consultation on the arrangements for supported further education places and funding for students with complex needs.*

<http://www.scotland.gov.uk/Consultations/Current>

*For Scotland's Children*

<http://www.scotland.gov.uk/library3/education/fcsr-00.asp>

*Guidelines for the practice of mediation* (developed by the Scottish Mediation Network) these are generally accepted guidelines for the practice of mediation, and are intended to form a baseline for the conduct of all forms of mediation in Scotland.

<http://www.scottishmediation.org.uk/index.asp>



*Hall 4* – the fourth edition of a Royal College of Paediatrics and Child Health report following its most recent review of childhood screening and surveillance practice across the UK. <http://www.scotland.gov.uk/Resource/Doc/37432/0011167.pdf>

*Happy, safe and achieving their potential – a standard of support for children and young people in Scottish schools* the report of The National Review of Guidance 2004  
<http://www.scotland.gov.uk/library5/education/hsap-00.asp>

*Hidden Harm* – the Scottish Executive Response to the Report of the Inquiry by the Advisory Council on the Misuse of Drugs.  
<http://www.scotland.gov.uk/Publications/2004/10/20120/45470>

*How good is our school?* Her Majesty's Inspectorate of Education – one of a series of publications from HMIE supporting inclusive education.  
<http://www.hmie.gov.uk/documents/publication/HGIOS.pdf>

*Implementing Inclusiveness, Realising Potential. The Beattie Committee Report, Scottish Executive.* <http://www.scotland.gov.uk/library2/doc04/bere-00.htm>

*Inclusive educational approaches for Gypsies and Travellers within the context of interrupted learning*  
<http://www.ltscotland.org.uk/resources/travellers.pdf>

*Individuals in Transition: A Framework for Assessment and Information Sharing.* This framework has been prepared by Careers Scotland in partnership with a wide range of agencies and the Scottish Executive to facilitate the effective sharing of information between agencies.  
[http://www.careers-scotland.org.uk/careersscotland/Web/Site/GenericServices/About\\_Us/policy\\_transition.asp](http://www.careers-scotland.org.uk/careersscotland/Web/Site/GenericServices/About_Us/policy_transition.asp)

*Integrated Early Years Strategy*  
<http://www.scotland.gov.uk/library5/education/isey-00.asp>

*"It's everyone's job to make sure I'm alright"*  
<http://www.scotland.gov.uk/library5/education/iaar-00.asp>

*Learning with care – The Education of Children Looked After Away from Home by Local Authorities.* <http://www.hmie.gov.uk/documents/publication/lwc.pdf>

*Moving On from School to College,* Her Majesty's Inspectorate of Education  
<http://www.hmie.gov.uk/documents/publication/more.htm>

# resources

*Needs Assessment Report on Child and Adolescent Mental Health*, Public Health Institute for Scotland (2003) – <http://www.phis.org.uk/pdf.pl?file=publications/CAMH1.pdf>

*Partnership Matters: A Guide to Local Authorities, NHS Boards and Voluntary Organisations on Supporting Students with Additional Needs in Further Education*  
<http://www.scotland.gov.uk/library5/health/glanhs-00.asp>

*Protecting Children and Young People – Framework for standards*  
<http://www.scotland.gov.uk/library5/education/pcypfs-00.asp>

*Success for All* – a handbook of advice and guidance which addresses all aspects of setting targets and managing individualised educational programmes.  
<http://www.ltscotland.org.uk/inclusiveeducation/publications/successforall.asp>

*The same as you?* A review of services for people with learning disabilities.  
<http://www.scotland.gov.uk/ldsr/docs/tsay-00.asp>

## Legislation

Her Majesty's Stationery Office (HMSO) are responsible for the publishing of all legislation, Command Papers and the Official Gazettes. The Office of Public Sector Information (OPSI) website provides electronic access to all legislation and regulations and associated explanatory notes, including the legislation referred to in annex a. <http://www.opsi.gov.uk/>

## Relevant organisations

The list below is not intended to be an exhaustive list of all of the organisations which may be able to provide information, advice or services relating to additional support needs.

### Additional Support Needs Tribunals for Scotland

Europa Building, 450 Argyle St, Glasgow G2 8LG  
Tel: 0141 242 0370 Fax: 0141 242 0360  
Email: [inquiries@asntscotland.gov.uk](mailto:inquiries@asntscotland.gov.uk)  
Web: <http://www.asntscotland.gov.uk/>

*The Tribunals have been established with the objective of providing an independent and expert body to adjudicate in a user friendly way on certain matters relating to additional support needs.*



**ASCS (Advice Service Capability Scotland)**

11 Ellersly Road, Edinburgh EH12 6HY  
Tel: 0131 313 5510 Fax: 0131 346 1681 Textphone: 0131 346 2529  
Email: [ascs@capability-scotland.org.uk](mailto:ascs@capability-scotland.org.uk)  
Web: <http://www.capability-scotland.org.uk/information.asp>

*Capability Scotland is a large disability organisation offering a range of services and support for those with cerebral palsy and other disabilities.*

**Advocacy Safeguards Agency**

1-2 St Andrew Square, Edinburgh EH2 2BD  
Tel: 0131 524 9380 Fax: 0131 524 9381  
Email: [info@advocacysafeguards.org](mailto:info@advocacysafeguards.org)  
Web: [www.advocacysafeguards.org](http://www.advocacysafeguards.org)

**ADDISS (Attention Deficit Disorder Information and Support Service)**

10 Station Road, Mill Hill, London NW7 2JU  
Tel: 020 8906 9068 Fax: 020 8959 0727  
Email: [info@addiss.co.uk](mailto:info@addiss.co.uk)  
Web: [www.addiss.co.uk/index.html](http://www.addiss.co.uk/index.html)

**AFASIC**

1 Prospect III, Afasic Scotland, Gemini Crescent, Dundee Technology Park,  
Dundee DD2 1TY  
Tel: 01382 561891  
Email: [afasicScotland@btopenworld.com](mailto:afasicScotland@btopenworld.com)  
Web: <http://www.afasic.org.uk/>

*AFASIC promotes understanding, acceptance, equal opportunities and inclusion of children and young adults with speech and language impairments.*

**Barnardo's Scotland**

Headquarters, 235 Corstorphine Road, Edinburgh EH12 7AR  
Tel: 0131 334 9893 Fax: 0131 316 4008  
Web: <http://www.barnardos.org.uk>

*Barnardo's works to give disadvantaged children help to build their future. It runs locally based projects in Scotland, including those for families of children with additional support needs.*



## resources

### **CALL Centre (Communication Aids for Language and Learning)**

Moray House School of Education, University of Edinburgh, Paterson's Land, Holyrood Road, Edinburgh EH8 8AQ

Tel: 0131 651 6235/6236 Fax: 0131 651 6234

Email: [call.centre@ed.ac.uk](mailto:call.centre@ed.ac.uk)

Web: <http://www.callcentrescotland.org.uk>

*The CALL Centre provides services and carries out research and development projects, working with all those involved in meeting the needs of people who require augmentative communication and/or specialised technology, particularly in education.*

### **Careers Scotland**

Headquarters, 150 Broomielaw, Atlantic Quay, Glasgow G2 8LU

National Tel: 0845 8 502 502 Tel: 0141 228 2264/2489/2527 Fax: 0141 228 2851

Web: <http://www.careers-scotland.org.uk>

*Careers Scotland provide services, information and support to individuals at all ages and stages of career planning, and employers wanting to recruit and maintain a productive workforce.*

### **Centre for Education for Racial Equality Scotland (CERES)**

Moray House Institute of Education, Charteris Building, Floor 2 Room 5, Faculty of Education, Holyrood Road, Edinburgh EH8 8AQ

Tel: 0131 651 6274 Fax: 0131 651 6511

Email: [ceres@ed.ac.uk](mailto:ceres@ed.ac.uk)

Web: [www.education.ed.ac.uk/ceres/](http://www.education.ed.ac.uk/ceres/)

*CERES works with the public, private and voluntary sectors across Scotland to raise awareness of race equality issues in education and advises on the development and implementation of anti-racist policies and perspectives. They support the development of bilingualism, carry out and collate relevant research and maintain a resource centre for inclusive education.*

### **Childline Scotland**

18 Albion Street, Glasgow G1 1LH

Tel: 0870 336 2910 Fax: 0870 336 2911 Helpline no: 0800 1111

Web: <http://www.childline.org.uk/Scotland.asp>

*This helpline offers children and young people confidential advice on matters concerning them.*



**Children in Scotland**

Princes House, 5 Shandwick Place, Edinburgh EH2 4RG  
 Tel: 0131 228 8484 Fax: 0131 228 8585  
 E-mail: [info@childreninscotland.org.uk](mailto:info@childreninscotland.org.uk)  
 Web: <http://childreninscotland.org.uk>

*This is a membership organisation representing the interests of children and young people in Scotland on behalf of its members.*

**Commission for Racial Equality (Scotland)**

The Tun, 12 Jackson's Entry, off Holyrood Road, Edinburgh EH8 8PJ  
 Tel: 0131 524 2000 Fax: 0131 524 2001 Textphone: 0131 524 2018  
 E-mail: [scotland@cre.gov.uk](mailto:scotland@cre.gov.uk)  
 Web: <http://www.cre.gov.uk/>

**Contact a Family Scotland**

Norton Park, 57 Albion Road, Edinburgh EH7 5QY  
 Tel: (0131) 475 2608 Fax: (0131) 475 2609  
 Email: [scotland@cafamily.org.uk](mailto:scotland@cafamily.org.uk)  
 Web: [www.cafamily.org.uk/scotland/](http://www.cafamily.org.uk/scotland/)

*This national organisation offers information and support to families who care for children with any disability or additional support need, and can link the families of children with rare or specific syndromes.*

**Down's Syndrome Scotland**

158-160 Balgreen Road, Edinburgh EH11 3AU  
 Tel: 0131 313 4225 Fax: 0131 313 4285  
 Email: [info@dsscotland.org.uk](mailto:info@dsscotland.org.uk)  
 Web: [www.dsscotland.org.uk](http://www.dsscotland.org.uk)

*Down's Syndrome Scotland offers a range of support services and information for individuals with Down's Syndrome, their families and those who work with them.*

**Dyslexia Scotland**

Unit 3, Stirling Business Centre, Wellgreen, Stirling FK8 2DZ  
 Tel: 01786 446650 Fax: 01786 471235 Helpline: 0178 644 6650  
 Email [info@dyslexiascotland.org](mailto:info@dyslexiascotland.org)  
 Web [www.dyslexiascotland.org](http://www.dyslexiascotland.org)

*Dyslexia Scotland aims to raise public awareness of dyslexia and its related difficulties, and offers advice and support for those with dyslexia.*

# resources

## **Dyspraxia Foundation**

8 West Alley, Hitchin, Herts SG5 1EG

Tel: 01462 455016 Fax: 01462 455052 Helpline: 01462 454986

Web: <http://www.dyspraxiafoundation.org.uk>

*This agency aims to support individuals and families affected by developmental dyspraxia and to increase understanding and awareness of dyspraxia.*

## **Education Law Unit – Govan Law Centre**

Govan Law Centre, 47 Burleigh Street, Govan, Glasgow G51 3LB.

Tel/Minicom: 0141 445 1955 Fax: 0141 445 3934.

Email: [advice@edlaw.org.uk](mailto:advice@edlaw.org.uk)

Web: <http://www.govanlc.com/index.html>

*The Education Law Unit works in partnership with schools, education authorities, parents' groups and charities to make pupils' rights and parents' rights in education a reality.*

## **ENABLE**

6th Floor, 7 Buchanan Street, Glasgow G1 3HL

Tel: 0141 226 4541 Fax: 0141 204 4398

Email: [enable@enable.org.uk](mailto:enable@enable.org.uk)

Web: <http://www.enable.org.uk>

*ENABLE works to promote the interests of people with learning disabilities in Scotland. They also run an information service.*

## **Enquire**

5 Shandwick Place, Edinburgh, EH2 4RG

Tel : 0131 22 22 425 Fax : 0131 22 89 852 Helpline: 0845 123 2303 Typetalk: 0800 959598

E-mail: [info@enquire.org.uk](mailto:info@enquire.org.uk)

Web: [www.enquire.org.uk](http://www.enquire.org.uk)

*Enquire is the national advice and information service for matters related to additional support for learning.*



### **Epilepsy Scotland**

48 Govan Road, Glasgow G51 1JL  
Tel: 0141 427 4911 Fax: 0141 419 1709 Helpline: 0808 800 2 200  
Email: [enquiries@epilepsyscotland.org.uk](mailto:enquiries@epilepsyscotland.org.uk)  
Web: [www.epilepsyscotland.org.uk/epilepsy](http://www.epilepsyscotland.org.uk/epilepsy)

*This service aims to improve the quality of life for people with epilepsy and their families in Scotland.*

### **Equity in Education**

76 High St, Peebles EH45 8SW  
Tel: 01721 729326  
Web: <http://www.equityineducation.org/>

*The aim of Equity in Education is to improve educational and social outcomes for children and young people, in particular those with additional support needs.*

### **ISEA (Independent Special Education Advice) (Scotland)**

164 High Street, Dalkeith, Midlothian EH22 1AY  
Tel/Fax: 0131 454 0096 Advocacy project: 0131 454 0144

*This organisation provides information, advice and support, including advocacy/representation, to parents and carers of children/young people with additional support needs.*

### **Learning and Teaching Scotland**

Glasgow office, 74 Victoria Crescent Road, Glasgow G12 9JN  
Tel: 0141 337 5000 Fax: 0141 337 5050  
Email: [enquires@LTScotland.org.uk](mailto:enquires@LTScotland.org.uk)  
Web: <http://www.ltscotland.org.uk>

*Learning and Teaching Scotland offer consultancy to schools regarding curriculum development and produce publications on the curriculum and how to adapt it for pupils with additional support needs.*

### **Linking Education and Disability**

Queen Margaret University College, 36 Clerwood Terrace, Edinburgh EH12 8TS  
Tel: 0131 317 3439 Fax: 0131 339 7198  
Email: [enquiries@lead.org.uk](mailto:enquiries@lead.org.uk)  
Web: <http://www.lead.org.uk>

*LEAD provides guidance to physically disabled young people (16+) and adults requiring access to education and lifelong learning.*



# resources

## **National Autistic Society – Scotland**

Central Chambers, 109 Hope Street, Glasgow G2 6LL  
 Tel: 0141 221 8090 Fax: 0141 221 8118  
 Email: [scotland@nas.org.uk](mailto:scotland@nas.org.uk)  
 Web: <http://www.nas.org.uk>

*This service works to help people with autism and Asperger's syndrome, and their families, live as independently as possible.*

## **National Deaf Children's Society Scotland**

187-189 Central Chambers, 93 Hope Street, Glasgow G2 6LD  
 Tel: 0141 248 4457 Fax: 0141 248 2597 Minicom: 0141 222 4476  
 Email: [ndcs.scotland@ndcs.org.uk](mailto:ndcs.scotland@ndcs.org.uk)  
 Web: [http://www.ndcs.org.uk/ndcs\\_network/scotland/index.html](http://www.ndcs.org.uk/ndcs_network/scotland/index.html)

## **NHS Helpline Scotland**

Network Scotland, Ruthven Lane, The Mews, Glasgow G12 8NT  
 Helpline: 0800 22 44 88 Fax: 0141 334 0299

*This helpline offers information on health services, practices and procedures.*

## **Parentline Scotland**

83 Whitehouse Loan, Edinburgh EH9 1AT  
 Tel: 0131 446 2333 Fax: 0131 446 2339 Freephone: 0808 800 22 22  
 Web: [www.children1st.org.uk](http://www.children1st.org.uk)

*Parentline is a confidential telephone helpline run by Children 1st providing support to parents and carers in talking through any concerns relating to parenting issues.*

## **Partners in Advocacy**

Unit 17, John Cotton Business Centre, 10 Sunnyside, Edinburgh EH7 5RA  
 Tel: 0131 478 7723  
 Email: [admin@partnersinadvocacy.org.uk](mailto:admin@partnersinadvocacy.org.uk)  
 Web: <http://www.partnersinadvocacy.org.uk/>

## **Resolve**

Children in Scotland, 5 Shandwick Place, Edinburgh EH2 4RG  
 Tel: 0131 222 2456 Fax: 0131 228 8585  
 Email: [smitchell@childreninscotland.org.uk](mailto:smitchell@childreninscotland.org.uk)  
 Web: <http://www.resolveasl.org.uk>



### **Royal National Institute for the Blind (RNIB)**

Dunedin House, 25 Ravelston Terrace, Edinburgh EH4 3TP  
Tel: 0131 311 8500 Fax: 0131 311 8529 Helpline: 0345 66 99 99  
Email: [rnibscotland@rnib.org.uk](mailto:rnibscotland@rnib.org.uk)  
Web: <http://www.rnib.org.uk>

*This service offers practical support and advice to blind people and those with visual impairments.*

### **Royal National Institute for the Deaf (RNID)**

Cronngate Business Centre, Brook Street, Glasgow G40 3AP  
Tel: 0141 554 0053 Fax: 0141 554 5837 Helpline: 0808 808 0123 (freephone)  
Textphone: 0808 808 9000 (freephone)  
Email: [informationline@rnid.org.uk](mailto:informationline@rnid.org.uk)  
Web: <http://www.rnid.org/>

*This organisation provides services, information and campaigning for the deaf and hard of hearing people.*

### **Schoolhouse**

PO BOX 28496, Edinburgh EH4 4YU  
Tel: 0870 745 0968  
Email: [enquires@schoolhouse.org.uk](mailto:enquires@schoolhouse.org.uk)  
Web: <http://www.schoolhouse.org.uk>

*This organisation offers information and support related to home based education.*

### **Scottish Association for Mental Health**

Cumbræ House, 15 Carlton Court, Glasgow G5 9JP  
Tel: 0141 568 7000 Fax: 0141 7001  
Email: [enquire@samh.org.uk](mailto:enquire@samh.org.uk)  
Web: [www.samh.org.uk](http://www.samh.org.uk)

### **Scottish Child Law Centre**

54 East Crosscauseway, Edinburgh EH8 9HD  
Freephone for under 18s 0800 328 8970 Tel: 0131 667 6333 Fax: 0131 667 1713  
Email: [enquiries@sclc.org.uk](mailto:enquiries@sclc.org.uk)  
Web: <http://www.sclc.org.uk/>

*This is a national agency promoting issues affecting those with mental health problems.*

# resources

## **Scottish Mediation Network,**

18 York Place, Edinburgh EH1 3EP

Tel: 0131 556 1221

Web: [www.scottishmediation.org.uk](http://www.scottishmediation.org.uk)

## **Scottish Network for Able Pupils**

Room 556, St Andrew's Building, University of Glasgow, 11 Eldon Street, Glasgow G3 6NH

Tel: 0141 330 3071

Email: [snap@educ.gla.ac.uk](mailto:snap@educ.gla.ac.uk)

Web: [www.ablepupils.com](http://www.ablepupils.com)

## **Scottish Refugee Council**

5 Cadogan Square, (170 Blythswood Court), Glasgow G2 7PH

Tel: 0141 248 9799 Fax: 0141 243 2499

Web: [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

## **Scottish Sensory Centre**

Moray House School of Education, University of Edinburgh, Holyrood Road, Edinburgh EH8 8AQ

Tel: 0131 651 6501 Tel (Text): 0131 651 6067 Fax: 0131 651 6502

Web: [www.ssc.mhie.ac.uk](http://www.ssc.mhie.ac.uk)

*The Scottish Sensory Centre promotes and supports new developments in effective practices in the education of children and young people with sensory impairments (visual, deaf and blind). It works in collaboration with education professionals, voluntary organisations, parents and young people.*

## **Scottish Society for Autism Headquarters**

Hilton House, Alloa Business Centre, The Whins, Alloa FK10 3SA

Tel: 01259 720044 Fax: 01259 720051

Email: [info@autism-in-scotland.org.uk](mailto:info@autism-in-scotland.org.uk)

Web: [www.autism-in-scotland.org.uk](http://www.autism-in-scotland.org.uk)

*This service offers care, support and education in Scotland for people with autism and their families and others who work with them.*

## **Scottish Traveller Education Programme**

The University of Edinburgh, 2.5 Charteris Land, Holyrood Road, Edinburgh, EH8 8AQ

Tel: 0131 651 6444 Fax: 0131 651 6511

Email: [step@education.ed.ac.uk](mailto:step@education.ed.ac.uk)

Web: [www.scottishtravellered.net](http://www.scottishtravellered.net)



**Sense Scotland**

Sense Scotland, 43 Middlesex Street, Kinning Park, Glasgow G41 1EE  
 Tel: 0141 429 0294 Fax: 0141 429 0295 Text: 0141 418 7170  
 Email: [info@sensescotland.org.uk](mailto:info@sensescotland.org.uk)  
 Web: [www.sensescotland.org.uk](http://www.sensescotland.org.uk)

*Sense Scotland are a service providing organisation which is also engaged in policy development for children and adults with complex support needs because of deafblindness or sensory impairment, learning disability or physical disability. Sense Scotland also provide communication and innovative support services for people who are marginalised because of challenging behaviour, health care issues and the complexity of their support needs.*

**SHS Limited**

5b Washington Court, Washington Lane, Edinburgh EH11 2HA  
 Tel: 0131 538 7717 Fax: 0131 538 7719 Textphone: 0131 477 3684  
 Email: [general@shstrust.org.uk](mailto:general@shstrust.org.uk)  
 Web: <http://www.shstrust.org.uk>

*This service offers training, research and events on advocacy and participation in services for disabled people, their families, and those who work with them – its focus is the empowerment of users.*

**SKILL Scotland**

Norton Park, 57 Albion Road, Edinburgh EH7 5QY  
 Tel: 0131 475 2348 Fax: 0131 475 2397  
 Email: [admin@skillscotland.org.uk](mailto:admin@skillscotland.org.uk)  
 Web: [www.skill.org.uk](http://www.skill.org.uk)

*This service promotes opportunities to empower young people and adults with disabilities to realise their potential in further and higher education, training and employment.*

**Special Needs Information Point**

14 Rillbank Terrace, Edinburgh EH9 1LN  
 Tel/Fax: 0131 536 0583 Office/textphone: 0131 536 0360  
 Email: [snip@btinternet.com](mailto:snip@btinternet.com)  
 Web: [www.snipinfo.org/](http://www.snipinfo.org/)