

ENABLE Scotland

Leading the way in
learning disability



Changes to the Additional Support for Learning Act – What Parents Need to Know

The Scottish Government has made some important changes to the Additional Support for Learning Act. This law sets out what needs to happen to make sure that all children with additional support needs get the most out of their education. The changes came into force on November 14th 2010. The most important changes for parents of children with learning disabilities are outlined in this factsheet.



Assessments

Previously parents could only request an assessment to find out if their child had additional support needs or if they needed a coordinated support plan (CSP). Now parents or young people have the right to request a specific type of assessment (for example psychological, health or social work assessment) *at any time*.

Placing requests

Parents of children with additional support needs now have the right to make a placing request to any school in Scotland, including schools outside the local authority area in which they live.

Placing request appeals will now be heard by the Additional Support Needs Tribunal, where a child has a CSP or is being considered for a CSP.

All appeals about placing requests to special schools will be referred to the Additional Support Needs Tribunal, whether the child or young person has a CSP or not.

Under 3s

Local authorities are now required by law to provide additional support to disabled children under the age of 3 if they need it. This refers not just to educational support but also support from health, social work or voluntary agencies.

CSPs

Where a child has significant additional support needs requiring a high level of support from a number of different services (e.g. educational psychologist, speech therapist, social worker, special needs learning support assistant etc) they may be assessed as needing a coordinated support plan (CSP). This sets out exactly what support the child requires and how their needs will be met by all the different agencies involved.

Under the new Act, the reasons for which parents or young people themselves can make a referral to the Tribunal about CSPs have been extended. For example, if a child has a CSP but the local authority has failed to provide the support set out in it, parents can take this to a Tribunal. Tribunals now have

the power to force a local authority to provide the support set out in a CSP. For full details of all the new powers the Tribunal has with regard to CSP disputes, please refer to Enquire's Parents Guide.

Transitions

Local authorities now have to seek and take into account a young person's views about what they want to do when they leave school, and provide this information to 'appropriate agencies' such as colleges, employers, social services etc.

Where a local authority fails to make an adequate transition plan for a child leaving school, this matter can now be referred by parents or the young person to the Additional Support Needs Tribunal.

Advocacy

A new advocacy service is available on request and free of charge to support parents and young people in preparing for and attending Additional Support Needs Tribunals.

This service will be provided jointly by Barnardos and the Scottish Child Law Centre across the whole of Scotland.

It will focus mainly on non-legal representation but in complex cases legal representation will be available.

Information

Local authorities will have to publish information on where parents and carers can find help, information and advice about their rights under the Additional Support for Learning Act. This will include contact details for Enquire which is the Scottish advice service for additional support for learning.

Local authorities will also have to make sure that a summary of this information (including details of dispute resolution and mediation services) is available from all schools and other places that provide education. They also need to make sure this information is included in school handbooks and on their website.



Enquire

This factsheet does not include all the changes made to the Additional Support for Learning Act, only the main points parents need to know. For full details, order a Parents' Guide or factsheets from Enquire, The Scottish Advice Service for Additional Support for Learning on:

Helpline: 0845 123 2303

E-mail: info@enquire.org.uk

or download them at www.enquire.org.uk

If you have a specific enquiry about any aspect of additional support for learning, phone the Enquire helpline on the number above, 9am - 4.30pm Monday to Friday.

This factsheet was written by:

Linda Noble
Development Officer for
Children and Young People
ENABLE Scotland

Mobile: 07889 456 104

Email:

linda.noble@enable.org.uk



Date information correct at: 10/12/10

This information is given as guidance only and is not an authoritative guide to the law. Individual circumstances can vary and people are advised to seek advice if they have a specific concern or query. For further information about learning disability and related topics visit the ENABLE Scotland website www.enable.org.uk or contact our Enquiry Line: 0141 226 4541 Monday – Friday 9:30 am – 4:00 pm

© ENABLE Scotland - This factsheet may be freely copied as long as the source is acknowledged