

This information has been produced under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004. It provides information for the general public about this Act and the policy of the City of Edinburgh Council.

APRIL 2018

# IN ON THE ACT

Supporting children and young people with additional support needs.

INFORMATION FOR  
THE GENERAL PUBLIC

支持有附加支援需要的兒童和青少年  
為公眾人士提供的資訊

اضافی مدد کی ضرورت کے حامل بچوں اور نوجوان افراد کی مدد کرنا

عام لوگوں کے لئے معلومات

অতিরিক্ত সাহায্যের দরকার এরকম অল্প বয়স্ক এবং ছোট ছেলেমেয়েদের সাহায্য করা  
জনসাধারণের জন্য তথ্য

دعم الأطفال واليافعين ذوي احتياجات الدعم الإضافية

معلومات للعموم

• EDINBURGH •  
YOUR COUNCIL – YOUR SERVICES

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You can get this document on tape, in Braille, **large print** and various computer formats if you ask us. Please contact Interpretation and Translation Service (ITS) on 0131 242 8181 and quote reference number 00751. ITS can also give information on community language translations.

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Further information about anything in this document is available from:

Parent and Pupil Support Manager/contact person for coordinated support plans  
The City of Edinburgh Council  
Children's Services  
Waverley Court  
Business Centre 1/2  
4 East Market Street  
Edinburgh EH8 8BG  
Telephone: 0131 469 3444  
E-mail: Adam.O'Brien@edinburgh.gov.uk

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Or you may wish to contact Children 1st, a national charity which is providing an independent information and support service for Edinburgh children and parents.

This service can be contacted in various ways:

ParentLine free of charge telephone helpline: 08000 28 22 33 – Monday to Friday, 9 am to 9pm  
Webchat: find the link at [www.children1st.org.uk](http://www.children1st.org.uk) – Monday to Friday, 9 am to 9pm  
E-mail: [parentlinescotland@children1st.org.uk](mailto:parentlinescotland@children1st.org.uk)

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Or you may wish to contact the mediation service whose contact details are:

**Common Ground Mediation**

PO Box 24093  
Edinburgh EH7 9EG  
Telephone: 0131 553 5200 or 07507 511502  
E-mail: [info@commongroundmediation.co.uk](mailto:info@commongroundmediation.co.uk)  
Web: [www.commongroundmediation.co.uk](http://www.commongroundmediation.co.uk)

More information about mediation is provided in Chapter 8 of this document.

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Or you may wish to contact any of the organisations whose details are given in Appendices 3, 4 and 5.

## Introduction

On 14 November 2005, the **Additional Support for Learning Act** replaced the law on what had been previously described as special educational needs. The Act introduced a legal framework for what it describes as **additional support needs** which require **additional support for learning**.

Amendments to the Act came into force on 14 November 2010.

The Act requires each Education Authority to publish information about the Act. This is the information produced by the City of Edinburgh Council. It includes information about a related Act which is the Equality Act 2010.

We hope this information will be of particular use to the parents and relatives of children with additional support needs and to older children with additional support needs. We will circulate this and other forms of information throughout the community of the City of Edinburgh.

Throughout this information, we refer to **children** and to **young people**. Young people are children over the age of 16 and they have some legal rights which are separate from the rights of their parent(s) and additional to the rights of children below the age of 16. Throughout this information, we mainly refer to children which means all children including those over the age of 16. We only refer to young people when we are describing something to do with their additional legal rights.

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## What are additional support needs?

As all children are individuals, we believe it is important to provide education services where the widest range of individual needs can be met as a natural part of what we do on a day-to-day basis.

Every part of our service works within recognised frameworks and guidelines that set quality standards. You can expect services where there are effective arrangements for:

- planning which reflects children's needs
- teaching and learning taking into account a range of needs and learning styles
- collaborative working
- keeping track of how children are getting on
- helping children with any difficulties that arise
- keeping parents informed
- supporting transitions
- identifying any barriers to learning
- identifying areas for development and putting improvements into place

These arrangements enable us to meet the needs of most children from the resources generally available at their school.

But there will be some children who need something extra or different from most other children of the same age to overcome anything which is a barrier to their learning. These children have **additional support needs** and they are entitled to **additional support for learning** to help them learn and achieve their potential in life.

## Chapter 1 – Our policy for additional support needs

The Act says that every Education Authority must have a policy for additional support needs. A policy is a statement of our most important beliefs which guide all of our actions. Our policy exists as part of the Scottish Government's programme **Getting it right**. The main purpose of this programme is to ensure a coordinated approach across all agencies that may be needed to support a child.

### The City of Edinburgh Council's Policy for Additional Support Needs

Our objectives are guided by three key principles:

#### 1 Children come first

– ***Every child has unique potential to achieve and is entitled to a school education which:***

- responds appropriately to needs in the right way, at the right time
- offers breadth of opportunity and high expectations of achievement
- encourages high self-esteem, independence and active citizenship
- avoids exaggerating difference or unnecessarily restricting opportunity
- reflects a commitment to lifelong learning and partnership with other agencies to provide opportunities and support out of school and beyond

#### 2 Partnership

– ***Needs will be met in ways which take into account children's views and the contribution of their families and community***

Our approach will:

- respect children's views and rights
- recognise the important role of parents and carers in a child's education
- take parents' views into account and encourage their active support
- ensure children and young people are supported within their own family and community as far as possible
- take care to communicate fully, clearly and accurately
- encourage parents and their representatives to participate in developing and monitoring our policies, practices and performance

#### 3 Quality for all

– ***We will promote fairness and equality, preventing and removing barriers to learning, opportunity and participation***

**We want our services to:**

- recognise and support the contributions of all children, parents and staff in developing schools and communities where everyone is valued
- demonstrate how diversity and equal opportunity enrich our community
- deliver the widest possible benefits to children and young people
- show that responsiveness to need is a keynote of quality
- value well trained and well supported staff and the effective use of resources
- be informed by review, research and best practice, to inform improvement

## Chapter 2 – Identifying and assessing children who may have additional support needs

We usually notice a child has additional support needs because they are having difficulties in learning. The following people are most likely to notice that a child is having difficulties and may need additional help:

- the child themselves
- parents
- grandparents or other relatives
- friends of the family
- a teacher
- a learning assistant
- playgroup or nursery staff
- family doctor
- health visitor
- hospital doctor if the child attends clinics
- school doctor or nurse
- social worker or family support worker

It is important to identify additional support needs as early as possible because early action is helpful in its own right and can help to prevent further difficulties developing later. Depending on the needs of the child, this may be done from birth onwards.

The Education Authority is responsible for making arrangements to identify additional support needs. We do this working in close cooperation with parents and other services in contact with a child.

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### Children up to the age of three

We work closely with people from other services who have contact with children in the first years of life – the most common examples would be a family or hospital doctor, a health visitor or a social worker.

When these people tell us about a child who may have additional support needs, we will arrange for an educational psychologist, or a social worker, or a member of our early years visiting teaching and support service to visit the family at home to assess the child. We always ask the permission of parents to do this.

Staff from health services may also assess a child they think may have additional support needs – this will usually take place in the family home or at a local health centre.

If the health services decide that the child is **disabled**, in addition to believing that the child may have additional support needs, then the health services may specifically request the Education Authority to assess the child and we will always do this unless the parent objects or the child is too unwell to be assessed at that particular time. Disability in this situation means **a physical or mental impairment which has a substantial and long-term adverse effect on the child's ability to carry out normal day-to-day activities.**

The Education Authority will also circulate information in the community about the need to identify additional support needs as early as possible in life and how parents can contact us for help.

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## Children over the age of three

Between the age of three and four years, children become entitled to a place in nursery education. Most children over the age of three will be attending a nursery or child and family centre run by the Education Authority or a nursery run by one of our partner providers. These all have staff who are trained to recognise a child who may have additional support needs and they have access to advice from a wide range of specialist services. These staff will also welcome advice from the parent(s) about their child's needs and the opportunity to discuss any concerns or questions parents may have.

If one of these staff believes that a child may have additional support needs, they will discuss this with the parent(s). They may then carry out some further assessment. They may also seek advice from colleagues and this may include an educational psychologist but they will always ask the permission of the parent(s) to do this. They may then discuss their concerns with the educational psychologist and the parent(s) usually take part in these discussions.

The educational psychologist may then go on to observe the child or do some direct assessment work with them. This will usually take place in the family home or at the child's educational establishment. The educational psychologist will always ask the permission of the parent(s) to do this.

If a parent thinks their child may have additional support needs, we suggest they speak to the staff working with their child – for example, a class teacher. Staff will listen carefully and note what the parent says and they will be able to give advice and to take the necessary action which might include seeking advice from colleagues and other services.

For children who are educated by their parent(s) at home or in an independent nursery or school funded by their parent(s), it is likely that the parent(s) or the nursery/school staff will identify that the child may have additional support needs.

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## All children

If we decide that a child should be assessed because they may have additional support needs, we will obtain assessments from any person or agency who we believe may be needed to provide support for those needs.

A parent or a young person can **request us to identify whether the child or young person has additional support needs.**

A parent or young person can also **request us to arrange a specific type of assessment.**

If the child or young person is **attending one of our own educational establishments or an independent nursery or school funded by us**, we encourage the parent or young person to discuss their request first with the staff there – for example, the class teacher. But they don't have to. They can, if they wish, make their request directly to the Parent and Pupil Support Manager whose contact details are given on page 1.

For children and young people who are educated by their parent(s) **at home or in an independent nursery or school funded by their parent(s)**, a parent or young person or nursery/school staff can make their request by contacting the Parent and Pupil Support Manager above.

For children and young people who we have agreed to place at a **nursery or school in another Education Authority**, a parent or young person can make their request by contacting the Parent and Pupil Support Manager above. But if the parent has chosen to send the child there despite us offering a place in one of our own nurseries or schools, then it is the other Education Authority that is responsible and the parent or young person must make their request to that other Education Authority.

If we decide either type of request is unreasonable, **we must give clear reasons for this decision and the parent or young person can appeal against this decision** – this is described in Chapter 8.

If we agree to either type of request, we are still responsible for deciding which professional should carry out assessments. A parent or young person can request that it be carried out by a particular professional but we do not have to agree to this. However, the parent or young person could take action themselves to obtain an assessment from a particular professional and then pass this assessment onto us – which we would then have to take account of although we may decide that we disagree with it.

Any request that is made to our Parent and Pupil Support Manager must include a reason or reasons for making the request and it must be made in writing which includes e-mail or some other form that can be kept and referred to later – for example an audio or videotape.

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The type of assessments will vary from child to child but the assessment process as a whole will:

- look at the whole child – their areas of strength as well as their difficulties – and their circumstances including their life at home and in the wider community
- seek out and take account of the views of children and parents
- consider information from any previous assessments
- seek out and consider advice from any professionals who we think may be needed to give support

We see assessments as a process of gathering and making sense of information to help us identify what children need and what we should do to help them learn. Different professionals will do this in different ways but individual assessments could involve:

- collecting information from people who know the child well
- observing the child in class, around school or at home – looking at what the child does and how other people respond to them
- discussion with the child to collect their views
- tasks or tests that the child might be asked to do
- looking at what has been tried in the past and how the child responded to that

But there are also specific types of assessment which parents and young people can request in some circumstances. The most common specific types of assessment are described next in more detail.

### **Educational assessment**

This will normally be carried out by a member of staff working in the educational establishment attended by the child – for example a class teacher.



Sometimes it will be carried out by a specialist service working with the child – for example a visiting teacher for children with visual difficulties.

It will often involve reviewing the child's progress against educational targets and formal tests of ability – for example in reading or spelling.

## **Psychological assessment**

We employ educational psychologists within our Educational Psychological Service to carry out these assessments.

Assessment may involve, for example:

- discussion with parents, teachers and others who know the child well
- observing the child in the classroom and playground
- asking the child to do tasks or standardised tests

Our educational psychologists make regular visits to educational establishments to offer support, advice and consultation for children who have additional support needs. This is an important way of identifying and assessing children with additional support needs on an everyday basis.

In some cases, the educational psychologist may need to get advice from other psychologists with different expertise – for example a clinical psychologist.

The aim, as with any assessment, is to identify children's needs and to suggest ways in which these needs could be met effectively.

## **Health assessment**

Depending on a child's needs, a great range of health service professionals may carry out an assessment. These assessments can include any aspect of physical health or development and its effect on education such as concerns about movement, growth, posture, speech and language skills or mental health.

The most common assessments would be carried out by a health visitor, a school nurse, a community paediatrician, a clinical psychologist, a practitioner in child and family mental health, a speech and language therapist, an occupational therapist or a physiotherapist. Where appropriate, these health service professionals can give advice to educational establishment staff, children and parents.

All of these health professionals are employed by the local health board, NHS Lothian whose contact details are given in Appendix 3.

## **Social work**

Most assessments of this type will be carried out by a social worker employed by the Social Work Authority of the City of Edinburgh Council.

Children may benefit from this type of assessment if they have problems at home or in the community – for example, if they are living with parents with mental health problems or if they are a young carer for a disabled relative.

Where appropriate a voluntary organisation may be requested to provide a social work assessment.

The contact details for the Social Work Authority are telephone number 0131 200 2324 or email [socialcaredirect@edinburgh.gov.uk](mailto:socialcaredirect@edinburgh.gov.uk)

### **Careers adviser and accessibility officer for a college or university**

For young people with additional support needs about to leave school, it may be necessary to seek advice about how to meet their continuing needs at work or in further or higher education.

The careers service, Careers Scotland and colleges and universities can offer specialist advice for this.

The person employed to do this in a college or university will generally be found within student support services, although specific arrangements may vary between the different colleges and universities. If the young person is disabled, the college or university will have additional responsibilities to help the young person.

The contact details for Careers Scotland and for the colleges and universities with which we are most likely to have contact are given at Appendix 3.

## Chapter 3 – Meeting additional support needs

### Children under the age of two

Here are some examples of the support that may be provided:

- support from a pre-school home visiting teacher who will visit the family home to work with the parent(s) and their child
  - the professionals working with the child may prepare a joint care plan – in more complex cases, this will take the form of a more structured care coordination programme where a key worker will act as the main point of contact for parents in coordinating the work of all the professionals
  - a place in a child and family centre for children under three years of age who require very early intervention to meet their needs
  - outreach services from a child and family centre to provide support to the family and child at home and in the community
- 

### Children over the age of two and below school age

All three and four year olds are entitled to a nursery place in a nursery or child and family centre run by the Education Authority or run by one of our partner providers but funded by us.

Some two year olds are also entitled to such a nursery place. These are children who are looked after by the Social Work Authority and children who's parents are in receipt of some types of social benefits.

If a child with additional support needs is attending a nursery or child and family centre which is run by us, or if they are attending an independent nursery funded by us, then we will meet those needs.

Here are some examples of the support provided in these nurseries and child and family centres:

- support from a learning assistant who works alongside the nursery teacher and the child
  - support from a member of the Visiting Teaching and Support Service who has special training and experience in helping children with a visual, hearing or communication difficulty
  - support from the Keycomm service, which provides special technological equipment to help children with communication problems
- 

### Children of school age

The Education Authority must make sure that all the children within its geographical area receive an **adequate and efficient education**.

All children of school age have a right to attend a school under arrangements made by the Education Authority and the education provided at school must include education which is **directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential**.

Some children with additional support needs also have a **disability**. A disability is a physical or mental impairment which has a substantial and long-term effect on the child's ability to carry out normal day-to-day activities.

- Schools must make **reasonable adjustments** for the needs of disabled children and schools **must not discriminate** against disabled children. This applies to independent schools as well as to schools managed by the Education Authority.
- The Education Authority must prepare and implement an **accessibility strategy** to increase the access of its disabled pupils to the curriculum, to school buildings and to information.

However, the Education Authority is not required to do anything that would result in unreasonable expense to the Education Authority.

In order to meet these duties, the Education Authority will provide support for children with additional support needs who attend schools run by us or who attend an independent school funded by us.

Most children with additional support needs attend mainstream schools run by us. The 2000 Standards In Scotland's Schools Act says that children should attend mainstream schools unless there are exceptional circumstances that prevent this. This is because most children with additional support needs benefit from having access to the full range of opportunities available in mainstream schools including contact with children with a wide range of abilities and needs.

Here are some examples of the support provided in our mainstream schools:

- accelerated learning programmes for highly able pupils
- support from the English as an Additional Language Service for schools working with bilingual pupils
- support from a teacher who has special training and experience in helping children with learning difficulties
- support from a learning assistant who works alongside the class teacher and the child
- study support and homework clubs
- support from a visiting teacher who has special training and experience in helping children with a visual, hearing or communication difficulty
- support from our services providing advice and special technological equipment to help children with communication problems – for example a laptop computer
- extra time and scribing for tests and examinations
- adapting the building physically to make it easier to get into and move around in – for example a wheelchair ramp and additional signs on school corridors

Some children are educated in mainstream schools run by us but they also need support from other agencies. Here are some examples of this support:

- support from a speech and language therapist – for example to train a teacher to use special communication techniques
- support from a voluntary organisation – for example to provide an extracurricular activity which the child's family could not provide themselves
- support from a clinical psychologist for a child with mental health problems
- support from a social worker to help a child cope with a family problem which is affecting their behaviour in school – for example the death of a family member

But some children cannot be educated in mainstream schools because their needs are too complex or severe. Here are some examples of the support provided for these children:

- a place in a special class attached to a mainstream school – for example a special class for children with autism where the children also have opportunities to attend mainstream classes
  - a place in a special school for children whose needs require a different learning environment
- 

## Young people

Young people still at school may receive any of the support described in the previous section.

But they may also receive support to help them prepare for working life or for college or university. Here are some examples of the support provided for these young people:

- advice from a careers adviser about opportunities for work, on-the-job training and further and higher education
  - link or transition courses to help prepare the young person for transferring from school to college or university
  - meetings and discussions with the accessibility officer of a college or university
  - meetings with other young people with additional support needs who are already at college or university
  - work placements
  - an alternative curricular programme such as personal and social development or outdoor education
- 

## All children

Whatever support is provided, it needs to be carefully planned.

All forms of support are planned within what we call a **framework for support** – this is a plan for meeting needs as early as possible and stage by stage. This will take place against a background of **personal learning planning** for all children including those with additional support needs. The child or young person will be encouraged to make a big contribution to setting the targets for these plans.

But there are other types of plans which may be needed for children with additional support needs:

### 1 Individualised educational programmes:

This is for children with needs that require extensive modifications to the curriculum.

This is a plan which details:

- the additional support needs and the support that will be provided to meet those needs
- educational targets
- adaptations to the school curriculum to help the child achieve those targets

The plan includes both short-term and long-term targets.

The short-term targets will normally be reviewed each school term.

The long-term targets will be reviewed at least once a year at a meeting of the various people providing support. The child will be asked to give their views and they may be invited to the meeting. The parent(s) will always be invited to the meeting.

## **2 Child's Plan:**

This is a plan for children with needs that require support from more than one agency or service.

This support will be coordinated by a lead professional named in the plan.

This is a plan which details:

- the strengths of the child
- concerns about the child
- current strategies
- desired outcome
- action plan

The plan will be updated following every multi-agency meeting about the child.

## **3 Coordinated support plans:**

This is for children who require significant levels of additional support from the Education Authority, and from at least one other agency – for example the health service.

So these children need a plan which coordinates the support provided by all the people providing support.

The coordinated support plan is a legal document. There are very detailed rules about what they must contain, what the Education Authority must do to keep them up to date, and the rights of parents and young people to request a plan and say what it should contain. These rules are described in Chapter 5.

## **4 School healthcare plan:**

This is for children with a medical condition that may require medical treatment in school.

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If the child or young person is **attending one of our own educational establishments or an independent nursery or school funded by us**, a parent or young person can request us to provide support. We encourage the parent or young person to discuss their request first with the staff there – for example, the class teacher. But they don't have to. They can, if they wish, make their request directly to the Parent and Pupil Support Manager whose contact details are given on page 1.

For children and young people who are educated by their parent(s) **at home or in an independent nursery or school funded by their parent(s)**, a parent or young person or nursery/school staff can request us to provide support by contacting our Parent and Pupil Support Manager above. However it is our general policy to provide advice but no other form of support because we can provide support more efficiently in a placement which is managed and funded by ourselves. This advice will include information about our own placements and it may also include some assessment of needs in order to identify the appropriate placement.

For children who we have agreed to place at a **nursery or school in another Education Authority**, a parent or young person can make their request by contacting our Parent and Pupil Support Manager above. But if the parent has chosen to send the child there despite us offering a place in one of our own nurseries or schools, then it is the other Education Authority that is responsible and the parent or young person must make their request to that other Education Authority.

In a very small number of cases, a child is attending one of our educational establishments but the parent(s) have also made **private arrangements for educational support in the home** – for example employing a tutor to work with the child at home. In these cases, a parent or young person can request us to provide support. However it is our general policy to provide advice but no other form of support because we can provide support more efficiently in a placement which is entirely managed and funded by ourselves. It follows from this that there are considerable limits to the degree, if any, that we can take account of the support in the home in the way that we provide education in our establishment – in particular, it is our general policy not to allow home tutors into our educational establishments as this tends to be disruptive.

If we decide that a request is unreasonable, **we must give clear reasons for this decision and the parent or young person can appeal against this decision** – this is described in Chapter 8.

Any request that is made to our Parent and Pupil Support Manager must include a reason or reasons for making the request and it must be made in writing or some other form that can be kept and referred to later – for example an audio or videotape.

## Chapter 4 – Choosing where to be educated

### Placing requests

In Chapter 3, it was stated most children with additional support needs attend mainstream schools but some children with additional support needs attend special classes or special schools.

Every mainstream primary and secondary school has a catchment area which is fixed by the Education Authority. This is the geographical area around the school and it will vary in size from school to school. So every child lives within the catchment area of a primary and secondary school and will automatically be allocated a place at that local school before the child is due to begin primary or secondary education.

However special classes and schools do not have catchment areas. And there may also be situations when parents or young people prefer a mainstream school which is not their local school. And there may also be very exceptional circumstances in which the Education Authority is of the view that the catchment mainstream school cannot meet the needs of the child but the parents are of a different view and want a place at that school. Parents or young people have the right to make a placing request for the school or schools of their choice.

A list of special schools and special classes is given in Appendix 1. This includes special schools not under the management of the City of Edinburgh Council Education Authority, to which it is the practice of that Authority to send pupils.

A placing request for a child must be made in a certain way:

- It must be made in writing which includes e-mail or some other form that can be kept and referred to later – for example an audio or videotape.
- It must name a specific special school or special class - if you name more than one, only the first named school or class will be the subject of the placing request.
- It must give a statement of reasons for the request.

The request would normally be made by the parents of the child but it could also be made by someone authorised by the parents to act on their behalf.

A placing request for a young person must be made by the young person themselves or by somebody the young person has authorised to act on their behalf – unless the young person does not have the ability to make such a choice in which case the parent(s) can make the placing request in the same way as for a child. A placing request by a young person must be made in a certain way:

- It must be made in writing which includes e-mail or some other form that can be kept and referred to later – for example an audio or videotape.
- It must name a specific special school or special class - if you name more than one, only the first named school or class will be the subject of the placing request.
- It must give a statement of reasons for the request.



It is also very helpful if:

- The placing request gives the date of birth of the child and the name of any school or nursery currently attended.
- The placing request is addressed to the Parent and Pupil Support Manager whose contact details are given on page 1.

Placing requests can be made for:

- any nursery school in Scotland managed by an Education Authority
- any private nursery in Scotland which is in partnership with an Education Authority
- any primary or secondary school in Scotland managed by an Education Authority
- any class in Scotland which provides specifically for pupils with additional support needs which is attached to any nursery, primary or secondary school managed by an Education Authority
- any independent or grant-aided special school in Scotland. However, the parent(s) or young person must have established that the school is willing to admit the pupil or young person – subject to agreement on the funding of the place – before a placing request can be made to the Education Authority to fund any such place
- any school in England, Wales, Northern Ireland or outwith the United Kingdom that provides wholly or mainly for children with additional support needs. However, the parent(s) or young person must have established that the school is willing to admit the pupil or young person – subject to agreement on the funding of the place – before a placing request can be made to the Education Authority to fund any such place

The Education Authority makes decisions about placements in special nurseries, schools and classes after careful consideration of assessment information by a panel or panels of specialist advisers. The membership of these panels will vary from child to child but it will always include a range of education professionals with expertise in the type of needs the child has and it will also include health professionals and/or social workers who also have expertise in the type of needs the child has.

The Education Authority will consider all kinds of specialist resources that may be needed to meet the child's needs and this may include resources not mentioned in a placing request.

The Education Authority has a wide range of special nurseries, schools and classes. Information about this provision is available from the Parent and Pupil Support Manager whose contact details are given on page 1. Several of these make the same kind of provision as each other but they are located in different parts of the city. In a significant number of cases, the Education Authority does not feel able to grant the place which is the first choice of the parent(s) or young person. The Education Authority uses the following criteria in approximate order of importance:

- the type of needs of the child and the type of needs which the nursery, school or class is best able to meet
- the presence of siblings
- geographical distance
- in the case of special classes located in a Roman Catholic school, baptism in the Roman Catholic Church

There are deadlines for the Education Authority to make a decision on placing requests:

- If the placing request is for a place to start at the beginning of the school year in August – and if the placing request is received by no later than 15 March in the same year – then the deadline is 30 April.
- If the placing request is for a place to start at the beginning of the school year in August – and if the placing request is received later than 15 March in the same year – then the deadline is two months after the date the placing request was received.
- If the placing request is for a place to start before the beginning of the school year in August then the deadline is two months after the date the placing request was received.

Except in the case of a school outwith the United Kingdom, the Education Authority must grant a placing request unless there is a reason in law for refusing it. These reasons are given in Appendix 2. Only one reason need apply in order for the Education Authority to refuse the request.

If the Education Authority decides to refuse your request, then it must do certain things:

- It must give you a decision in writing.
- It must give you a reason or reasons in law for the decision.
- It must advise you of your right of appeal.

The right of appeal is to the **Additional Support Needs Tribunal** or to the **Appeal Committee of the City of Edinburgh Council**. The Tribunal and the Appeal Committee are described in Chapter 8.

An appeal against the refusal of a placing request can only be made once per year and it can only be for the first named special school or class which is the subject of the placing request if more than one school or class is named in the placing request.

A placing request can also be made for a school or class which is outside Scotland, England, Wales or Northern Ireland and in which all or most of the children have additional support needs. However these placing requests are different from the other placing requests above because there is no right of appeal for these placing requests. And the Education Authority may agree to the placing request on the condition that the parent(s) or some other body provide some of the funding for the place. However the City of Edinburgh Council has never felt it necessary or appropriate to agree to such a request.

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## **Exclusions**

The Education Authority can make a child leave a school which it manages – by ‘excluding’ them – for one or both of the following reasons:

- The parent(s) of the pupil refuses or fails to comply – or the parent(s) refuses or fails to allow the child to comply – with the rules, regulations or disciplinary requirements of the school.
- To allow the pupil to continue at the school would be likely to be seriously detrimental to order and discipline in the school or to the educational well-being of the other children.

However excluding a child is a last resort. The Education Authority is committed to identifying children at risk of exclusion at the earliest possible stage and supporting these children to avoid the need for exclusion.

At page 10 we referred to disabled children. Under the terms of the Equality Act 2010, it may be unlawful to exclude a child with a disability:

- Most children with additional support needs do not also have a disability.
- A disability is a physical or mental impairment which has a substantial and long-term effect on the child's ability to carry out normal day-to-day activities.
- The Education Authority must make reasonable adjustments for the needs of disabled children.
- If the Education Authority excludes a disabled child for behaviour arising from the child's disability, that exclusion will be unlawful unless (1) the Education Authority had made reasonable adjustments to try and avoid any need for exclusion and (2) the exclusion was a proportionate means of achieving a legitimate aim – for example maintaining order and discipline.
- Each case has to be treated on its own merits taking account of all the circumstances. However it is possible to suggest an example of how this works. A child with autism physically lashes out at a supply teacher. The reason the child lashed out is because the supply teacher told the child that they could not sit in their normal seat because it wasn't appropriate for the activity they were doing and then told the child off when they refused to move. The child always sat in the same seat because their autism meant that they found change difficult to cope with – and their autism made them highly distressed by being told off. The school had not advised the supply teacher that the pupil should be allowed to remain in their seat and therefore the school had failed to apply a reasonable adjustment. In a situation like this, exclusion would be likely to be unlawful.

Parents and young people have a legal right of appeal to the **Appeal Committee of the City of Edinburgh Council**. This right of appeal is described in Chapter 8.

However parents and young people may consider that they also have a right of appeal to the **Health and Education Chamber Tribunal** for alleged disability discrimination under the **Equality Act 2010**. This right of appeal is also described in Chapter 8.

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## Home and Private Education

The parents of children of school age have a legal duty to provide a suitable education for that child by ensuring that the child attends a public school which is a school managed by the Education Authority – or by **other means**.

In practice, **other means** refers to parents who choose to pay for their child to attend an independent school or who choose to educate their child at home.

The Education Authority has very few duties in relation to these children, as explained previously in this guidance.

Parents may choose to fund their children to attend independent schools without the need for any discussion with the Education Authority. It is the responsibility of the Scottish Government to ensure that private schools are properly managed.

The situation is a little different regarding home education.

If the child has already started attending a primary or secondary school, then the parent(s) must seek the permission of the Education Authority to educate the child at home.

In considering requests, the Education Authority must bear in mind the law which states as a general principle that children should be educated in accordance with the wishes of their parent(s).

The Education Authority will ask the parent(s) to produce an outline proposal for how they would educate the child at home.

If the Education Authority agrees to the request, the Authority should contact the parent(s) once a year to check that the home education is providing a suitable education. However the Authority is not under a legal duty to do this.

If the Education Authority is not satisfied with the proposed or actual arrangements for home education, the Education Authority can issue a notice requiring the parent(s) to provide more information about the arrangements. If the parent(s) fail to provide this information or if the parent(s) provide this information but the Education Authority remains dissatisfied with the arrangements, the Authority may refuse consent for home education and parents have no statutory right of appeal against this refusal. The parent(s) would then have to ensure their child attends a public or independent school. If the parent(s) fail to do this, the Education Authority can issue an attendance order requiring the parent(s) to ensure their child attends a public school. If the parent(s) fail to comply with an attendance order, the Education Authority can take the parent(s) to the District or Sheriff Court. The Education Authority or the Courts can also refer the matter to the Children's Panel. The Children's Panel is a government body which investigates cases where a child may be at risk of harm.

If the child has never started at primary public school – or if the child attended a public primary school but has not yet started at a public secondary school – then the parent(s) do not need any permission from the Education Authority to educate at home. However the parent(s) still have a legal duty to provide a suitable education for the child. If any person – including any member of the public – has concerns that a child not attending a public school is not receiving a suitable education, that person should report their concerns to the Education Authority or to the Social Work Authority or to the Children's Panel or to some other responsible body or person.

However, in all cases where parents are considering home education, the Education Authority recommends that parents contact the Authority for advice as early as possible. Parents may contact the Parent and Pupil Support Manager whose contact details are given on page 1.

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## Chapter 5 – Coordinated support plans

In the most general terms, these plans are for children who require significant levels of additional support from the Education Authority, and from other agencies – for example the health service.

The relationship between coordinated support plans and other types of plans was described in Chapter 3. This chapter describes coordinated support plans in detail.

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### Pre-conditions for opening a coordinated support plan

There are two pre-conditions that must exist before we can even consider opening a plan. These are:

#### 1 The child must be over three years of age.

- Children below three years of age may have an action plan. This will usually be in the form of an integrated care plan which was described in Chapter 3.
- The action plan will help the Education Authority to decide whether or not the child requires a coordinated support plan as soon as possible after the child starts nursery or school.
- In some cases, preparation for opening a coordinated support plan can begin before the child reaches three years of age.

#### 2 The Education Authority must be responsible for providing the child's education.

- A plan cannot be opened for children educated **at home or in an independent nursery or school funded by their parent(s)**. However, a parent, young person or nursery/school staff could request the Education Authority to assess the child or young person to decide whether they would require a coordinated support plan and what it would contain **if** we were providing their education. The rules about making a request for assessment are the same as those described in Chapter 2 for this group of children.
  - If a parent has chosen to send the child to a **nursery or school in another local authority** despite us offering a place in one of our own nurseries or schools, then it is the other Education Authority that is responsible for opening a coordinated support plan.
- 

### Reasons for opening a coordinated support plan

If a child meets the pre-conditions, then there are three reasons why a child would need a coordinated support plan and **all three of the reasons must exist at the same time**:

- 1 The child has needs caused by **complex or multiple factors**.
- 2 These needs are likely to last for **more than one year**.
- 3 These needs require significant additional support from the Education Authority – **and** from the Education Authority exercising functions other than education **or** from one or more appropriate agencies.

To find out if these reasons exist, we carry out the **assessment process** described in Chapter 2.

The **terms** contained in these three reasons are now described in more detail.

### **Complex factors:**

- A complex factor is one that **has, or is likely to have, a significant adverse effect on the school education of the child or young person.**
- A complex factor could arise from severe learning difficulties, a sensory impairment such as blindness, or a physical disability such as cerebral palsy.
- But these examples wouldn't require a coordinated support plan in all cases. It is the impact on the child's learning that is important. Something that has a significant and adverse impact on one child's school education could have no, or very little, impact for another child.

### **Multiple factors:**

- 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.**
- One example might be a child who is experiencing problems at school due to the combined effects of a mild sensory impairment and the pressures of being a young carer at home. The joint impact of these factors may have a significant adverse effect on their education.

### **Likely to last for more than one year:**

- The professionals who do the assessments will have to make a judgement whether the additional support needs are likely to continue for more than one year.
- One example may be a child with a long-term debilitating illness such as muscular dystrophy.

### **Requiring significant additional support from the Education Authority – *and* from the Education Authority exercising functions other than education *or* from one or more appropriate agencies:**

- The Education Authority can also be understood in terms of it being the City of Edinburgh Council Local Government Authority.
- The Authority exercises many different functions – for example social work functions. In some cases these functions may be required to provide significant additional support.
- The Act also specifies appropriate agencies that may need to provide significant additional support – these agencies are listed in Appendix 3.
- This support must be required to enable the meeting of educational objectives in school education so that the child is able to benefit from school education.
- The Act itself does not specify what is a significant level of support. However the Act requires the Education Authority to have regard to a Code of Practice written by the Scottish Government. This Code says that the Education Authority must have regard to the frequency, nature, intensity and duration of the support.

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The **contents** of the coordinated support plan are now described in detail.

### **The child's strengths:**

- This section will provide a picture of the child taking account of their skills, capabilities and favourite activities at school, at home and in the community.
- This is consistent with the need to look at the whole child during the assessment process described in Chapter 2.

### **Why the child has additional support needs:**

- This section will give a description of the factors causing the additional support needs and how they affect the ability to learn.
- It may include medical or other technical terms. The person who carried out the assessment should have discussed such terms in advance with the parent(s), and with the child depending on their level of understanding.

### **The child's educational objectives:**

- The objectives will be those things that need support from the various professionals. The child will have other educational objectives which don't require support from professionals from outside the Education Authority and therefore won't be in the plan.
- The plan refers to needs that are likely to last for more than one year. So the objectives will be achieved over a longer period of time than the objectives contained in additional support plans and individualised educational programmes described in Chapter 3.
- The objectives will be specific and realistic – for example reaching a specified level of the 5–14 curriculum in maths.
- The objectives may include things outside of school – for example learning to travel or put on clothes without an adult helping. But they must be objectives to enable the child to benefit from school education.

### **What support is required to help achieve the objectives:**

- The types of support provided for children with additional support needs were described in Chapter 3.
- Just as with the objectives, the support described in the plan will be for those needs which require the help of various professionals. The child will have other support which is not provided from professionals from outside the Education Authority and therefore won't be in the plan.
- The description will be clear and specific and where appropriate the quantity of support must be stated.

### **Who will provide the support:**

- This section will detail all the various professionals needed to provide support.
- It will name them by their profession – for example learning support teacher and speech and language therapist.
- It will not name them as individuals, to allow for changes in staffing that may happen from time to time.

### **Details of the person responsible for coordinating the plan:**

- The Education Authority must appoint a coordinator to work with the child, the parent(s) and all the professionals providing support.

- The coordinator will be one of the professionals providing support who is in a position to monitor the provision for the child on a day to day basis.
- Parent(s) and children will be consulted about who the coordinator should be and, where possible, it will be someone who is well-known to them.
- The appointment will be reviewed over time and may be changed – for example to meet a change in the needs of the child.

**Additional information:**

- The name of the educational establishment at which the Education Authority is or will be providing education.
- The name, address and telephone number of the coordinator for the plan.
- The name, address and telephone number of the contact person for the Education Authority responsible for providing advice and further information – this is the Parent and Pupil Support Manager whose contact details are given on page 1.

**Keeping the plan**

The coordinated support plan will contain personal information about the child. So, as a general rule, it can only be given to specific people and those people will not give it to anyone else unless they have the agreement of the parent(s) or young person to do this. The specific people who will get the plan are the various professionals providing support for the child, the parent(s), the young person and our contact person.

There may however be times when the Education Authority decides it must give the plan to someone else – but only if it is in the best interests of the child – for example a highly specialist doctor who does not work with the child on a regular basis but whose advice is needed about something which the local professionals don't have experience of.

And if there is a disagreement between the Education Authority and the parent(s) or young person, the plan may be given to a mediator or a person who is considering a complaint or an appeal by the parent(s) or young person – resolving disagreements is described in Chapter 8.

And there are very rare circumstances when someone else can require us to give them the plan – for example the Principal Reporter of the Children's Panel where it is needed for a Children's Panel Hearing.

**Process and timescales**

The Education Authority is responsible for preparing and opening coordinated support plans and for managing the process of doing this, including obtaining assessments from all the agencies that may be required to provide support.

Consultation with parents and children is a vital part of the process and this is described in Chapter 7.



A parent or young person can **request us to assess the child or young person for a coordinated support plan**. The rules about making a request for assessment are the same as those described in Chapter 2 – except there is one additional rule in this case – the Education Authority should make a decision on this request within **8 weeks** – this is a decision on whether or not to assess the child – not a decision on whether or not a coordinated support plan is actually needed.

If the Education Authority decides to assess a child to find out whether or not a coordinated support plan is needed, it should take no more than **16 weeks** to complete the assessment process and to:

- decide that a coordinated support plan is not needed; or
- decide that a coordinated support plan is needed and to open the plan.

If the Education Authority fails to meet the timescales, the parent(s) or young person can appeal against this failure – this is described in Chapter 8. However, there are some circumstances in which we are permitted to take longer – the most likely circumstances are:

- when a parent or young person requests a specific type of assessment which is in some way unusual and this causes a delay
- when the Education Authority has asked another agency, such as the health service, for help and the agency has not responded in time
- when information is required from a school but this information cannot be obtained in time because the school is shut for the summer holidays.

If there is a delay, we will tell the parent or young person and we will then set a new date.

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## **Monitoring and reviewing a coordinated support plan**

The plan is reviewed at least once a year at a meeting of the various professionals providing support together with the parent(s) and, in some cases, the child. Arrangements for this type of meeting and all meetings to do with additional support needs are described in more detail in Chapter 7.

The review will consider:

- if the aims and goals set out in the plan have been achieved
- if there are any new aims and goals that need to be set and what support will be needed to achieve them
- whether there has been any change in the needs of the child

The Education Authority can review the plan sooner than one year after the last review, if we believe there has been a significant change in the child's needs.

Or a parent or young person may request this for the same reason – this is equivalent to requesting an assessment and the rules about making such a request are the same as those described in Chapter 2.

## Chapter 6 – Starting school, changing schools and leaving school

This section explains what happens when children with additional support needs enter a child and family centre or nursery, move on into primary or secondary school or finally leave school as a young person.

It also refers to changes that occur for some other reason – for example moving to another school because of a change of address or a change in the support the child needs.

The Education Authority often uses the word **transition** to describe the arrangements for these times.

Change can be unsettling and this is particularly true for children and young people with additional support needs. The transfer of information will be key to ensuring there is no disruption in the support they are receiving.

There are two particular things that the Act requires us to do:

- Seek the views of parents and children; and ask the permission of parents and young people to obtain advice from any other agencies that may be of help.
- Obtain advice from those other agencies and seek the permission of parents or young people to pass this on to wherever the child or young person is moving to and to whatever other agencies that may provide support.

And the Act sets down time limits for doing these two things:

- For children due to start attending a child and family centre or nursery, we have to gather the views and advice at least six months before the child starts and we have to pass it on at least three months before the child starts.
- For children due to move from a child and family centre or nursery to primary, or from primary to secondary, we have to gather the views and advice at least twelve months before the child moves and we have to pass it on at least six months before the child moves.
- For young people due to leave school, we have to gather the views and advice at least twelve months before the young person leaves and we have to pass it on at least six months before the child leaves.

All of our child and family centres, nurseries, primary and secondary schools have a member of staff responsible for coordinating moves and working with parents, children and other agencies to ensure this happens smoothly.

For children and young people who are educated by their parent(s) **at home or in an independent nursery or school funded by their parent(s)**, we do not have to do any of the things described in this section.

For children who we have agreed to place at a **nursery or school in another Education Authority**, we are responsible for doing the things described in this section. But if the parent has chosen to send the child there despite us offering a place in one of our own nurseries or schools, then it is the other Education Authority which is responsible.

Parents and young people can request advice and support at these times of change in exactly the same way as was explained previously in Chapters 2 and 3.

## Chapter 7 – Working with children and parents

Throughout this information so far, we have referred several times to the need to seek the views of children and parents.

This chapter describes the rules and principles about how we do this.

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### All children

Wherever possible, the Education Authority will seek and take account of the views of children in decisions that affect their education. This is a duty on us from the 2000 Standards in Scotland's Schools Act.

In trying to do this, we have to take account of how much the child understands about the decisions. As a general rule:

- Children aged 12 years and below 16 years have most of the same rights as their parent/s in matters to do with additional support needs – the main exception is that these children cannot make a placing request for a special school or class.
- Also, for children aged 12 years and below 16 years, the Education Authority must consider the question of whether or not the child has **capacity**. Capacity is to do with the maturity and understanding of the child. If there is a dispute about whether or not a child has capacity, this dispute can be referred to a Tribunal – information about the Tribunal is given in Chapter 8.
- Children who are aged 16 years and over and who have capacity have the same rights as their parent/s – and there are some rights which these children can exercise and the parent/s cannot, for example making a placing request for a special school or class.

But we have to consider special circumstances. Some younger children will be able to express views. And some older children will be unable to – for example because of a learning difficulty.

In any case, we have to make reasonable efforts to help a child express their views if we think they have enough understanding – for example:

- A child may need a special piece of equipment to communicate their views – for example a child with muscular dystrophy may use a laptop to communicate.
- A deaf child may use British Sign Language.
- A child whose first language is not English may require an interpreter.
- A child may require some other form of interpretation – for example someone who is familiar with the facial expressions or body posture of the child.
- A child may have come to rely upon a particular professional to help them express their views – for example a particular class teacher – in which case a child may request this person to come to a meeting with them as a supporter or advocate – this is described in more detail later in this chapter.
- A child may need their views to be recorded in a particular way – for example by video or a tape recording.

In most cases children will express their views in a fairly informal way, by taking part in developing their personal learning plan. Much of this will happen during the course of a normal school day. This will also apply to most children with any other type of plan described in Chapter 3.

We have to consider what weight to give to the views of the child. We don't have to agree with everything they ask for and we have to take account of the degree of their understanding. But we have to try and explain to the child why we make the final decision.

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## Parents and young people

We recognise that parents have unique personal knowledge of their children and we need to make use of this knowledge by seeking the views of parents.

Additional support needs are often complicated and sometimes stressful for parents and young people. They may want help to express their views and make decisions. Any of the various professionals providing support for the child or young person will be able and willing to offer this help.

But the Act also enables a parent or young person to ask for a particular kind of help – from a **supporter** or an **advocate**.

### Supporter

- A supporter is most often a friend, relative, befriender or worker from a voluntary organisation.
- But they could also be one of the various professionals already working with the child.
- A supporter may speak for the parent or child but is more likely to give them private advice and support which they use to help them speak for themselves.

### Advocate

- An advocate will speak for the parent or child, particularly at meetings with the Education Authority and any meetings or hearings to do with resolving disagreements.
- It is for the parent or child to choose any person they want to be their advocate. Advocates are often people who are trained in advocacy and have a good understanding of Scottish education law and other legislation.
- They may be a professional lawyer in which case it is likely they would require some payment. In this case, it is particularly important to bear in mind that we are not responsible for finding an advocate and we will not make any payment for employing one.
- The Scottish Government has commissioned a national advocacy service. This service is only available to parents and young people in respect of parents and young people seeking to or actually making an appeal to the Additional Support Needs Tribunal. The contact details for this advocacy service are given in the next chapter in the section about the Additional Support Needs Tribunal.

As a general rule, we will always agree to the parent or child bringing a supporter or advocate to a meeting or other form of discussion. However, there may be situations where we do not have to agree to this because it would be unreasonable – for example if we believe the advocate lacks understanding of the need for confidentiality or is very aggressive in their attitude. If we do not agree, we must give a clear reason for our decision.

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### Coordinated support plans

Seeking and taking account of the views of children and parents is a part of the everyday work of the various professionals providing additional support and much of this takes place informally, as described earlier.

However the Act sets out more formal measures for seeking and taking account of views in four particular situations:

- assessing whether the child needs a coordinated support plan
- preparing a coordinated support plan
- reviewing an existing coordinated support plan
- reviewing whether the child still needs a coordinated support plan

These measures include:

- giving parents advance notice of our intention to prepare or review a plan and therefore to carry out assessments
- informing parents of their right to request specific types of assessments
- arranging for the various professionals providing support to meet with parents, and with children depending on the degree of their understanding, to discuss the new or reviewed plan
- sending a draft of the proposed new or reviewed plan to parents, and to children depending on the degree of their understanding, so they can make comments and suggest amendments
- informing parents and young people of their rights of appeal if they disagree with the final new or reviewed plan or with a decision to discontinue a plan

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## **Communicating with children and parents**

The Act comes with a Code of Practice from the Scottish Government which sets out the following principles of good practice which we support and follow:

### **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 other papers to be considered are sent out in good time
- parents are invited to add points to the agenda at the same time as everyone else
- people attending are aware of their roles and the roles of others and they understand the child's or young person's additional support needs
- there are no hidden issues and no last-minute surprises
- decisions are made when the parents are at the meeting or agreed with them before the meeting takes place – not after the meeting has closed unless further consultation takes place with them
- ample time is given 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:**

- Who is responsible for what is clearly defined and understood.
  - 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.
-

We have already described the Additional Support for Learning Helpline and the Parent and Pupil Support Manager/contact person who provide information about additional support needs including information specifically about coordinated support plans. Their contact details are given on page 1.

The Parent and Pupil Support Manager/contact person will sometimes attend and chair meetings about a child. This will usually be in the case that there has been some disagreement in advance of the meeting which it has not been possible to resolve at a local level.

There are many other sources of information and advice. The Scottish Government makes particular mention of three organisations:

### **Enquire**

Children in Scotland  
5 Shandwick Place  
Edinburgh EH2 4RG  
Telephone helpline: 0845 123 2303 (lo-call number)  
Textphone: 0131 222 2425  
Office telephone: 0131 222 2425  
E-mail: [info@enquire.org.uk](mailto:info@enquire.org.uk)  
Website: [www.enquire.org.uk](http://www.enquire.org.uk)

### **Scottish Independent Advocacy Alliance**

London House  
20-22 East London Street  
Edinburgh EH7 4BQ  
Telephone: 0131 556 6443  
E-mail: [enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)  
Website: [www.siaa.org.uk](http://www.siaa.org.uk)

### **Govan Law Centre**

18-20 Orkney Street  
Glasgow G51 2BZ  
Telephone: 0141 445 1955  
E-mail: [letstalkasn@edlaw.org.uk](mailto:letstalkasn@edlaw.org.uk)  
Website: [www.edlaw.org.uk](http://www.edlaw.org.uk)

A list of other organisations is given in Appendix 3, 4 and 5.

On an everyday basis, most communication and exchange of information will take place between children, parents and the various professionals working with the child at the ground level.

## Chapter 8 – Resolving disagreements

We described in the previous chapter how we seek to work in partnership with children, young people and parents. In this way, we intend to come to an agreement on what is best for the child.

This chapter describes various ways of dealing with disagreements.

There are some additional rules that apply to **children for whom we are not responsible for providing education** – these rules are explained at the end of this chapter – so for information about these children, it is important to read the whole of this chapter.

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### Early intervention

If a disagreement begins, we want to try and deal with it as early as possible and as close to the ground level as possible. This is consistent with how we try and meet additional support needs in the first place, as described in Chapters 2 and 3.

We encourage children and parents to discuss any concerns that may lead to a disagreement with one of the various professionals providing support at ground level – for example a class teacher or the coordinator of a coordinated support plan.

Around this time, the child or parent might want to seek information and advice – for example to help them organise their thoughts before speaking to one of the local professionals about their concerns.

Information and advice is available from the persons and organisations referred to on page 1.

If agreement cannot be found at ground level, a parent or young person can make use of more formal methods of resolving disagreements which are described next.

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### Complaints Service

The Education Authority provides a complaints service. The contact details of this service are:

#### Complaints Service

The City of Edinburgh Council  
Children and Families Department  
Waverley Court  
Business Centre 1/4  
4 East Market Street  
Edinburgh  
EH8 8BG  
Telephone: 0131 469 3233  
E-mail: [cf.complaints@edinburgh.gov.uk](mailto:cf.complaints@edinburgh.gov.uk)



However this complaints service is not available in cases where there is an alternative method of resolving disagreements provided by the law. These alternative methods are described next. The Education Authority anticipates that most disagreements to do with additional support needs would fall under these alternative methods.

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## **Ways of resolving disagreement provided by the Additional Support for Learning Act**

If a parent, child or young person disagrees with certain types of decisions made by the Education Authority including any of our staff, they have various rights under the Act to put their views to a person who is **independent from the person making the decision** which is the subject of the disagreement.

There are three ways to do this under the Act:

- Mediation
- Dispute Resolution
- Tribunal

Generally, these ways will enable better understanding and agreement to be reached. In some circumstances, this independent person can provide formal advice or a judgement that changes a previous decision of the Education Authority.

### **Mediation**

The purpose of mediation is to help both sides to understand each other's point of view in order to prevent a disagreement from becoming more serious and to give another chance to reach agreement.

The mediator is completely independent from the Education Authority.

If a disagreement occurs, the Education Authority will offer mediation to the parent or young person. However, the parent or young person is under no obligation to accept this offer. If they choose not to, this cannot be held against them at any later time including any later dispute resolution or tribunal. But it is also the case that mediation can be used at any time, including during dispute resolution and tribunal.

The parent or young person can request mediation before it is offered by contacting the mediator directly. The contact details for the mediation service are given on page 1. A child below the age of 16 does not have a legal right to request mediation.

Compared to dispute resolution and tribunal, mediation is faster and has very few formalities.

The rules about supporters and advocates were explained in Chapter 7.

The meeting is confidential and it is likely to take place somewhere convenient for the parent or young person and somewhere they feel comfortable – for example the school attended by the child or young person.

The mediator will not offer advice to either side but will help them to express their views and understand each other's perspectives to try and find a positive way forward.

## Dispute resolution

The main features of dispute resolution are that the disagreement will be considered by a person with experience of additional support needs who is appointed by the Ministers of the Scottish Government and who will be able to make a recommendation for what the Education Authority should do.

Dispute resolution can be used for disputes about most matters to do with assessing and meeting a child's additional support needs. For example, it could be used for a disagreement about what are the additional support needs of the child – or what support the child needs to meet their additional support needs.

An application for dispute resolution must be made to the Scottish Ministers containing the following information:

- the name and address of the applicant
- the matter at dispute and a summary of circumstances giving rise to the application
- a copy of any advice, information or request relevant to the subject matter of the dispute and a copy of any decision of the education authority which the applicant wishes the education authority and the independent adjudicator to take account of in considering the application
- the legal grounds for the application, referring to the relevant part of the Additional Support for Learning Act
- the views of the applicant as to how the dispute could be resolved
- where known to the applicant, any views expressed by the child regarding the dispute

The application must be addressed to the Scottish Ministers at the following address:

The Scottish Ministers  
Support and Wellbeing Unit  
Area 2 C South  
Victoria Quay  
Edinburgh EH6 6QQ

The rules about supporters and advocates were explained in Chapter 7 and particular mention was made of their role in helping the parent or young person in meetings. In dispute resolution, the adjudicator will normally reach a decision based on reports and papers provided by the parent or young person and the Education Authority. The adjudicator will decide if there is also a need for a meeting.

The Scottish Ministers expect that both sides will accept any recommendation made by the independent adjudicator, although neither side have to do this. We intend to accept all recommendations – unless there are exceptional circumstances which at this time we are unable to predict.

Dispute resolution does **not** cover:

- Disagreements relating to a coordinated support plan. These can be taken to the Additional Support Needs Tribunal.
- Disagreements relating to the refusal of a placing request for a particular nursery or school. These can be taken to the Additional Support Needs Tribunal.
- Disagreements relating to exclusions. These can be taken to the Appeal Committee of the City of Edinburgh Council.

- Disagreements about the general conduct of the Education Authority which go beyond additional support needs – for example allegations of failing to meet all of a child’s educational needs including those which have nothing to do with their need for additional support; or allegations of incompetence against a member of our staff. Some disagreements of this kind can be taken to the Scottish Ministers under the terms of Section 70 of the Education (Scotland) Act 1980 or to the Scottish Public Services Ombudsman.

More information about the Additional Support Needs Tribunal and the Appeal Committee of the City of Edinburgh Council is given next. Contact details for the Scottish Ministers and the Scottish Public Services Ombudsman are given in Appendix 4 and more information about them can also be obtained from the Parent and Pupil Support Manager or from the information and support service whose contact details are given on page 1.

## **Health and Education Chamber Tribunal**

The main features of the tribunal are:

- It is made up of three people – one is the Chairperson who has legal training – the other two people have expertise in additional support needs.
- It will take evidence on everything to do with the disagreement.
- There will be a hearing where the Education Authority and the parent(s) or young person get to speak to the tribunal and explain their views.
- The tribunal will make a decision which both sides must accept – unless the parent or young person or the Education Authority decide to appeal on the grounds that the tribunal has made a mistake in interpreting the law – there cannot be any appeal against the tribunal’s decision on what the facts of the case are.

The tribunal can be used for disagreements about the following things:

- a decision to refuse a placing request for a special school – or for a mainstream school for a child who has a coordinated support plan or who is being assessed for a plan or for whom a plan is being prepared or for whom there is a reference to the tribunal against the refusal of a plan
- a decision that a plan is needed
- a decision that a plan is not needed
- a decision to continue a plan following a review
- a decision to stop a plan following a review
- a decision to refuse a request to assess a child to find out if they need a plan
- a decision to refuse a request to review a plan
- some of the information contained in the plan
- the length of time taken to decide whether or not to carry out assessments to find out if a plan is needed
- the length of time taken to complete the assessment process and to make a decision on whether or not a plan is needed
- the length of time taken to open a plan following a decision that a plan is needed
- the length of time taken to review a plan
- alleged failure by the Education Authority to make proper arrangements to provide the support specified in the plan
- alleged failure by the Education Authority to make proper arrangements for post-school transition
- a decision that a child does not have capacity

The rules about supporters and advocates were explained in the previous section and particular mention was made of their role in helping parents or young people in meetings. This would include tribunal hearings.

A parent or young person who wants to resolve a disagreement at the tribunal can request this by contacting the Parent and Pupil Support Manager whose contact details are given on page 1 of this information – or by contacting the tribunal directly.

The contact details for the tribunal are:

### **Health and Education Chamber Tribunal**

1 Atlantic Quay  
45 Robertson Street  
GLASGOW G2 8JB  
Telephone: 0141 302 5860  
E-mail: [ASNtribunal@scotcourtsribunals.gov.uk](mailto:ASNtribunal@scotcourtsribunals.gov.uk)  
Website: [www.healthandeducationchamber.scot](http://www.healthandeducationchamber.scot)

As explained in the previous chapter, there is an advocacy service available free of charge to parents and young people seeking to or actually making an appeal to the Additional Support Needs Tribunal. The contact details for this advocacy service are:

### **Let's Talk ASN**

c/o Govan Law Centre  
18-20 Orkney Street  
GLASGOW G51 2BZ  
Telephone: 0141 445 1955  
E-mail: [letstalkasn@edlaw.org.uk](mailto:letstalkasn@edlaw.org.uk)

### **Appeal Committee of the City of Edinburgh Council**

This committee hears appeals by parents and young people against a decision by the Education Authority to exclude a child or young person from school. More information about exclusions was given in Chapter 4.

The committee also hears appeals by parents and young people against a decision by the Education Authority to refuse a place in a mainstream school – unless the child has a coordinated support plan or is being assessed for a plan or for whom a plan is being prepared or for whom there is a reference to the Additional Support Needs Tribunal against the refusal of a plan – in which case the placing request appeal would go to the Additional Support Needs Tribunal.

The main features of the committee are:

- It is made up of three people – a person with much experience of educational conditions in Edinburgh – a parent of a child of school age – and a city councillor who serves on the city council's education committee.
- It will take evidence on everything to do with the disagreement.
- There will be a hearing where the Education Authority and the parent(s) or young person get to speak to the committee and explain their views.

- The committee will make a decision which both sides must accept – unless the parent(s) or young person decide to appeal to the Sheriff Court – this can be on the grounds that the committee has made a mistake in interpreting the law or has made a mistake about the facts of the case.
- The decision of the Sheriff Court is final.

The rules about supporters and advocates were explained in the previous section and particular mention was made of their role in helping parents or young people in meetings. This would include committee hearings.

Parents or young people who want to appeal against an exclusion may do this by contacting the Parent and Pupil Support Manager whose contact details are given on page 1 of this information – or by contacting the committee directly.

The contact details for the committee are:

### **Placing in Schools Appeal Committee**

Clerk to the Committee

The City of Edinburgh Council

Business Centre 2/1

4 East Market Street

Edinburgh EH8 8BG

Telephone: 0131 529 4240

E-mail: schoolappeals@edinburgh.gov.uk

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### **Ways of resolving disagreement provided by the Equality Act 2010**

At page 10 we referred to disabled children and the **duty not to discriminate against disabled pupils**.

Disability discrimination can occur when:

- A child – because of their disability – is treated less favourably than another child.
- A child is placed at a substantial disadvantage because the school did not make reasonable adjustments for the child's disability.

This duty not to discriminate against disabled pupils applies to most aspects of school life including:

- How children are supported during the school day.
- How children are supported for extra curricular activities like school trips and after school clubs.
- How children may be excluded from school. We referred to this at page 16.

This duty does not apply to anything to do with the physical features of the school building.

Complaints about alleged discrimination can be made by a parent or a young person to the **Health and Education Chamber Tribunal** which was described on page 33.

The advocacy service Let's Talk ASN is **not** available to the parent or young person in such a case of a complaint about alleged discrimination. However, the parent or young person **can apply for legal aid**. The contact details for the **Scottish Legal Aid Board** are:

### **Scottish Legal Aid Board**

44 Drumsheugh Gardens  
Edinburgh EH3 7SW  
Telephone helpline: 0845 1228686  
E-mail: general@slab.org.uk  
Website: www.slab.org.uk

Also, at the time of writing, the **Govan Law Centre** whose details are given at page 29 and the **Equality and Human Rights Commission** whose details are given at page 51 have some funding to assist parents to appeal to the Tribunal against alleged disability discrimination. In general terms, this will be for cases which may set a significant legal precedent. There is no legal requirement for parents to be represented at the Tribunal – parents may represent themselves.

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### **Children for whom we are not responsible for providing education**

There are some additional rules that apply to these children.

For children and young people who are educated by their parent(s) **at home or in an independent nursery or school funded by their parent(s)**, the parent or young person:

- **cannot** make use of **dispute resolution** in the case of the Education Authority refusing a request to assess the child or young person to find out if they have additional support needs
- **can** make use of **dispute resolution** for any other matters already described in the section on dispute resolution if the Education Authority agrees to assess the child or young person to find out if they have additional support needs
- **can** make use of **mediation**
- **can** make use of our **complaints procedure**

For children attending a **nursery or school in another Education Authority** by parental choice, despite us offering a place in one of our own nurseries or schools, we are nonetheless responsible for providing mediation and dispute resolution. However, the parent or young person is also entitled to use the mediation service of the other Education Authority regarding the duties of that other Education Authority.

## Appendix 1 : List of special schools and classes

### Local education authority special schools

Name	Contact details	Description
Braidburn	107 Oxfangs Road North Edinburgh EH14 1ED Tel: 312 2320	Nursery, Primary and Secondary age. Complex, long term additional support needs learners require a significantly modified learning environment. Needs of learners are primarily associated with learning disability and significant visual/sensory, health and medical needs.
Gorgie Mills	349 Gorgie Road Edinburgh EH11 2RG Tel: 313 3848	Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with social and emotional behavioural needs.
Howdenhall/St Katherines	29 Balmwell Terrace Edinburgh EH16 6PS Tel:672 1109	Primary 5 age and upwards. A secure, residential environment where access to education is provided on site.
Kaimes	140 Lasswade Road Edinburgh EH16 6RT Tel: 664 8241	Primary and Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with social and pragmatic communication needs associated with autism spectrum disorder.
Oaklands	750 Ferry Road Edinburgh EH4 4PQ Tel: 315 8100	Nursery, Primary and Secondary age. Complex, long term additional support needs where learners require a significantly modified learning environment. Needs of learners are primarily associated with learning disability and significant visual/sensory, health and medical needs.
Panmure	6 South Grays Close Edinburgh EH1 1TQ Tel: 556 8833	Secondary year 2 and upwards age. Complex, long term additional support needs. Needs of learners are primarily associated with social and emotional behavioural needs.

Pilrig Park	Balfour Place Edinburgh EH6 5DW Tel: 467 7960	Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.
Prospect Bank	81 Restalrig Road Edinburgh EH6 8BQ Tel: 553 2239	Primary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.
Redhall	3c Redhall Grove Edinburgh EH14 2DU Tel: 443 1256	Primary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.
Rowanfield	67c Groathill Road North Edinburgh EH4 2SA Tel: 343 6116	Primary age. Complex, long term additional support needs. Needs of learners are primarily associated with social and emotional behavioural needs.
St Crispins	Watertoun Road Edinburgh EH9 3HZ Tel: 667 4831	Primary and Secondary age. Complex, long term additional support needs where learners require a significantly modified learning environment. Needs of learners are primarily associated with learning disability and autism spectrum disorder
Woodlands	36 Dolphin Gardens Edinburgh EH14 5RD Tel: 449 3447	Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.



## Local education authority special classes

Name	Contact details	Description
Broughton Primary School – Special Class	132 Broughton Road Edinburgh EH7 4LD Tel: 556 7028	Language and communication difficulties and autism spectrum disorder.
Craigentinny Primary School – Special Class	Loganlea Drive Edinburgh EH7 6LR Tel: 661 2749	Language and communication difficulties and autism spectrum disorder.
Craigmount High School – Inclusion Resource	Craigs Road Edinburgh EH12 8NH Tel: 339 6823	Learning disability and autism spectrum disorder.
Drummond High School – Inclusion Resource	41 Bellevue Place Edinburgh EH7 4BS Tel: 556 2651	Learning disability and autism spectrum disorder.
Leith Academy – Inclusion Resource	20 Academy Park Edinburgh EH6 8JQ Tel: 554 0606	Learning disability and autism spectrum disorder.
Murrayburn Primary – Special Class	Sighthill Loan Edinburgh EH11 4NP Tel: 453 5339	Language and communication difficulties and autism spectrum disorder.
Royal Mile Primary School – Special Class	Canongate Edinburgh EH8 8BZ Tel: 556 3347	Language and communication difficulties and autism spectrum disorder.
Stenhouse Primary School – Special Class	4 Saughton Mains Street Edinburgh EH11 3HH Tel: 443 1255	Language and communication difficulties and autism spectrum disorder.
St Cuthbert’s Primary School – Special Class	Hutchison Crossway Edinburgh EH14 1RP Tel: 443 2621	Language and communication difficulties and autism spectrum disorder.
St Thomas of Aquin’s RC High School – Inclusion Resource	Chalmers Street Edinburgh EH3 9NH Tel: 229 8734	Learning disability and autism spectrum disorder.

**Schools not under the management of the local education authority to which it is the practice of the local education authority to send pupils – sited within Edinburgh**

<b>Name</b>	<b>Contact details</b>	<b>Description</b>
Dunedin School	Liberton Bank House 5 Nether Liberton Lane Edinburgh EH16 5TY Tel: 672 2638	Secondary age. Socially and emotionally vulnerable including school refusers.
Harmeny School	Balerno Midlothian EH14 7JY Tel: 449 3938	Primary age. Social and emotional behavioural needs.
Royal Blind School	43 Canaan Lane Edinburgh EH10 4SG Tel: 446 3120	Nursery, Primary and Secondary age. Visually impaired/blind.

**Schools not under the management of the local education authority to which it is the practice of the local education authority to send pupils – sited outwith Edinburgh**

<b>Name</b>	<b>Contact details</b>	<b>Description</b>
Action Group	Norton Park Conference Centre 57 Albion Road Edinburgh EH7 5QY Tel: 0131 475 2315 lindatuthill@actiongroup.org.uk www.actiongroup.org.uk	Provide a high standard of support in personal care, in helping people with complex health needs and in assisting people with complex medical conditions.
Active Ark	Unit E, Baron Way Kingmoor Business Park Carlisle CA6 4SJ Tel:01228672244 Mail@activeark.co.uk www.activeark.co.uk	Residential child care service providing crisis intervention for young people 8-18+.
Ballikinrain	Ballikinrain Include Me In Services Fintry Road Balfron G63 0LL Tel: 01360-440244 ballikinrain@crossreach.org.uk www.crossreach.org.uk/	Provides a continuum of education provision from 8 to 18 and beyond for social, emotional, behavioural difficulties.

Camphill	Camphill School (Rudolf Steiner Schools) Murtle, Bielside Aberdeen AB15 9EP Tel: 01224 867 935 office@crss.org.uk www.camphillschool.org.uk	For children and young people with complex special needs offering holistic social pedagogy and care based on the Waldorf Curriculum and the principles of Rudolf Steiner.
Care Visions	Care Visions Apex 3, 4th Floor 95 Haymarket Terrace Edinburgh EH12 5HD Tel: 0131 313 7076 info@carevisions.co.uk www.carevisions.co.uk	Working with children to help them develop positive coping strategies, regain and discover childhood experiences and develop resilience.
Closeburn House	Closeburn & Maben House Closeburn Dumfries DG3 5HP Tel: 01848 331352 info@holisticchildcare.co.uk www.holisticchildcare.co.uk	Provide a specialist service that offers both residential care and education or education only day placements. Residential options range from crisis respite to medium and long term, 24/7 – 52 week placements. Support young people aged between 8 and 19 years who may have social, emotional and behavioural difficulties, also complex needs such as autistic spectrum disorder, learning difficulties and problematic sexualised behaviour.
Curo Salus	Wardhouse Farm Forehouse Road Kilbarchan PA10 2PU Tel: 01505 703610 admin@curosalus.co.uk www.curosalus.co.uk	Curo Salus provides safe, therapeutic, caring environments for children who have attachment problems, due to adverse circumstances and emotional trauma in their early years.
Donaldsons	Donaldson's School Preston Road Linlithgow EH49 6HZ Tel: 01506 841900 www.donaldsons.org.uk	Donaldson's is Scotland's national school for children who are deaf, hearing impaired or have communication difficulties. In an environment of inclusive communication Donaldson's aim is to provide a broad and balanced curriculum which promotes each pupil's educational, physical, social & emotional development in preparation for life.

Falkland House	Falkland House School Falkland Estate Falkland, Cupar Fife KY15 7AE Tel : 01337 857 268 secretary@falklandhouseschool.org www.falklandhouseschool.org	Specialises in the education and care of boys who require additional support for learning. We provide special integrated education for boys with an autism spectrum disorder (ASD); social, emotional and behavioural difficulties (SEBD); attention deficit hyperactivity disorder (ADHD); and Tourette's syndrome (TS), as well as a number of other conditions which makes it difficult for them to cope in a mainstream educational environment.
Hillside	Hillside School Hillside Aberdour Fife KY3 ORH Tel: 01383 860731 Enquiries@hillside.co.uk	A residential school for boys with social, emotional and behavioural difficulties. They accept placements for young people aged 10-18 years from all local authorities in Scotland.
Moore House	Moore House Care & Education Edinburgh Road Bathgate West Lothian EH48 1EX Tel: 01506 652312 info@moorehouse.org.uk www.moorehouse.org.uk	Moore House Care and Education offers both Care and Education or Care services linked with mainstream education, college or work placements to young people who are unable to live at home due to having experienced trauma and loss.
New School, Butterstone	Dunkeld Perthshire PH8 0HJ Tel: 01350 724216 info@thenewschool.co.uk www.thenewschool.co.uk	The New School specialises in education for young people with Aspergers /Autistic spectrum conditions, ADHD, Tourette's syndrome and Foetal Alcohol syndrome.
New Struan School	100 Smithfield Loan Alloa FK10 1NP Tel: 01259 222 000 newstruan@scottishautism www.newstruanschool.org	New Struan School is an independent residential and day school for young people with an Autism Spectrum Disorder (ASD).
Ochil Tower	Ueli Ruprecht - Joint Co-ordinator Ochil Tower School 140 High Street Auchterarder PH 3 1AD Tel: 01764 662 416 office@ochiltowersschool.org www.ochiltowerschool.org.uk	To support children in developing strong identities based on self-respect, secure values and beliefs. To promote social, mental, emotional, physical and spiritual wellbeing.

Seamab House	Seamab School Rumbling Bridge Kinross-shire KY13 OPT Tel: 01577 840307 info@seamab.org.uk www.seamab.org.uk	At Seamab, we care for and educate vulnerable children aged between five and thirteen who have complex needs.
Snowdon	Snowdon School 31 Spittal Street Stirling FK8 1DU Tel: 01786 473449 Info@snowdonschool.co.uk www.snowdonschool.co.uk	The school offers a unique environment for girls who require specialist support, care and education. With a wealth of understanding and is able to support girls who place themselves at risk or in mortal danger, as well as offer an integrated programme of support catering for individual education, social, emotional and behavioural needs.
Spark of Genius (training) Ltd	Trojan House Phoenix Business Park Paisley Renfrewshire PA1 2BH Tel: 0141 587 2710 admin@sparkofgenius.com www.sparkofgenius.com	Spark of Genius Musselburgh Learning Centre is a non-denominational, independent special school for secondary aged young people with a range of social, emotional, behavioural and learning needs.
St Andrew's College	Lowther Adolescent Services Billing Road Northampton NN1 5DG Tel: 01604 616000 info@standrew.co.uk www.standrewshealthcare.co.uk	For young people who have behavioural, emotional and social difficulties, autistic spectrum disorders and moderate learning difficulties.
Sycamore Services (Fife) (Aberlour L&PD)	Sycamore Services West Bridge Mill Bridge Street Kirkcaldy KY1 1TE Tel: 01592 591500 sycamore@aberlour.org.uk www.aberlour.org.uk	An excellent reputation for working with children and young people who have experienced disadvantage and trauma as a result of early childhood experiences. These experiences include abuse, domestic violence, parental substance misuse and neglect.
Wilderness Way	A Wilderness Way Ltd Manor House Brisco Carlisle Cumbria CA4 0QS Tel: 01228 409553 www.we-uk.co.uk	For boys or girls between 10 and 17 years of age with social, emotional behavioural difficulties.

## Appendix 2 – Conditions for refusing a placing request

- 1 Where placing the child in the specified school would make it necessary for the Education Authority to take an additional teacher into employment.
- 2 Where placing the child in the specified school would give rise to significant expenditure on extending or otherwise altering the accommodation or facilities provided there.
- 3 Where placing the child in the specified school would be seriously detrimental to the continuity of the child's education.
- 4 Where placing the child in the specified school would be likely to be seriously detrimental to order and discipline in the school.
- 5 Where placing the child in the specified school would be likely to be seriously detrimental to the educational well-being of pupils attending the school.
- 6 Where the education normally provided at the specified school is not suited to the age, ability or aptitude of the child.
- 7 Where the Education Authority have already required the child to discontinue attendance at the specified school.
- 8 In a case of a special school not managed by the Education Authority, where the child does not have additional support needs requiring the education or special facilities normally provided there.
- 9 In a case where the specified school is a single sex school, where the child is not of the sex admitted there.
- 10 Where, assuming that pupil numbers remain constant, placing the child in the specified school would make it necessary at the commencement of a future stage of the child's primary education for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school.
- 11 Where, although neither 1 or 2 above apply, the capacity of the school would be exceeded in terms of pupil numbers.
- 12 In a case where:
  - i the specified school is not a public school;
  - ii the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school;
  - iii it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph ii to place the child in the specified school; and
  - iv the authority have offered to place the child in the school referred to in paragraph ii.

- 13 In a case where the specified school is a special school and placing the child in the school would breach the requirement in section 15(1) of the Standards in Scotland's Schools etc Act 2000 to provide education in a mainstream school unless there are the following exceptional circumstances:
- i placing the child in a mainstream school would not be suited to the ability or aptitude of the child.
  - ii placing the child in a mainstream school would be incompatible with the provision of efficient education for the children with whom the child would be educated.
  - iii placing the child in the mainstream school would result in unreasonable public expenditure being incurred which would not ordinarily be incurred.

## Appendix 3 – Appropriate agencies

This is not a definitive list. It includes agencies which the Act specifies and agencies that we most frequently ask for support to help us meet additional support needs.

### **NHS Lothian**

Waverley Gate  
2-4 Waterloo Place  
EDINBURGH EH1 3EG  
Telephone: 0131 536 3370  
E-mail: [feedback@nhslothian.scot.nhs.uk](mailto:feedback@nhslothian.scot.nhs.uk)  
Website: [www.nhslothian.scot.nhs.uk](http://www.nhslothian.scot.nhs.uk)

### **The University of Edinburgh**

Old College  
South Bridge  
EDINBURGH EH8 9YL  
Telephone: 0131 650 2845  
E-mail: [infopoint@ed.ac.uk](mailto:infopoint@ed.ac.uk)  
Website: [www.ed.ac.uk](http://www.ed.ac.uk)

### **Skills Development Scotland**

79 Shandwick Place  
EDINBURGH EH2 4SD  
Telephone: 0131 718 2040  
Website: [www.skillsdevelopmentscotland.co.uk](http://www.skillsdevelopmentscotland.co.uk)

### **Edinburgh Napier University**

Craiglockhart Campus  
EDINBURGH EH14 1DJ  
Telephone: 0333 900 6040  
Website: [www.napier.ac.uk](http://www.napier.ac.uk)

### **Scottish Rural College**

Kings Buildings  
EDINBURGH EH9 3JG  
Telephone: 0131 535 4000  
E-mail: [recruitment@sruc.ac.uk](mailto:recruitment@sruc.ac.uk)  
Website: [www.sruc.ac.uk](http://www.sruc.ac.uk)

### **Heriot-Watt University**

EDINBURGH EH14 4AS  
Telephone: 0131 449 5111  
E-mail: [enquiries@hw.ac.uk](mailto:enquiries@hw.ac.uk)  
Website: [www.hw.ac.uk](http://www.hw.ac.uk)

### **Edinburgh College**

#### ***Granton Campus***

350 West Granton Road  
EDINBURGH EH5 1QE

#### ***Milton Road Campus***

24 Milton Road East  
EDINBURGH EH15 2PP

#### ***Midlothian Campus***

46 Dalhousie Road  
DALKEITH EH22 3FR

#### ***Sighthill Campus***

Bankhead Avenue  
EDINBURGH EH11 4DE  
Telephone: 0131 669 4400  
E-mail: [courseinfo@edinburghcollege.ac.uk](mailto:courseinfo@edinburghcollege.ac.uk)  
Website: [www.edinburghcollege.ac.uk](http://www.edinburghcollege.ac.uk)



## **Appendix 4 – Other ways of resolving disagreements**

In Chapter 8 it was explained that some disagreements can be referred to the Scottish Ministers or the Scottish Public Services Ombudsman. Their contact details are:

### **The Scottish Ministers**

Support and Wellbeing Unit  
Area 2 C South  
Victoria Quay  
EDINBURGH EH6 6QQ  
Telephone: 0131 244 0946  
Website: [www.scotland.gov.uk](http://www.scotland.gov.uk)

### **Scottish Public Services Ombudsman**

4 Melville Street  
EDINBURGH EH3 7NS  
Telephone: 0800 377 7330  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## **Appendix 5 – Other sources of information and advice**

### **General information and advice:**

#### **Enquire**

Children in Scotland  
5 Shandwick Place  
Edinburgh EH2 4RG  
Telephone helpline: 0845 123 2303 (lo-call number)  
Textphone: 0131 222 2425  
Office telephone: 0131 222 2425  
Fax: 0131 228 9852  
E-mail: [info@enquire.org.uk](mailto:info@enquire.org.uk)  
Website: [www.enquire.org.uk](http://www.enquire.org.uk)

#### **Scottish Independent Advocacy Alliance**

London House  
20–22 East London Street  
Edinburgh EH7 4BQ  
Telephone: 0131 556 6443  
E-mail: [enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)  
Website: [www.siaa.org.uk](http://www.siaa.org.uk)

#### **Govan Law Centre**

18–20 Orkney Street  
Glasgow G51 2BZ  
Telephone: 0141 445 1955  
E-mail: [letstalkasn@edlaw.org.uk](mailto:letstalkasn@edlaw.org.uk)  
Website: [www.edlaw.org.uk](http://www.edlaw.org.uk)

#### **Scottish Child Law Centre**

54 East Crosscauseway  
Edinburgh EH8 9HD  
Telephone helpline: 0800 328 8970  
Fax: 0131 662 1713  
E-mail: [enquiries@sclc.org.uk](mailto:enquiries@sclc.org.uk)

#### **Cairn Legal**

First Floor  
Regent House  
113 West Regent Street  
Glasgow G2 2RU  
Telephone: 0141 221 7948  
E-mail: [info@cairnlegal.co.uk](mailto:info@cairnlegal.co.uk)  
Website: [www.cairnlegal.co.uk](http://www.cairnlegal.co.uk)

### **Equality Advisory and Support Service**

Freepost FPN4431

Telephone: 0808 800 0082

Website: [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

### **Scottish Commission for Children and Young People**

85 Holyrood Road

Edinburgh EH8 8AU

Freephone telephone: 0800 019 1179

E-mail: [inbox@sccyp.org.uk](mailto:inbox@sccyp.org.uk)

Website: [www.sccyp.org.uk](http://www.sccyp.org.uk)

### **Family Advice and Information Resource – FAIR**

c/o Enable Building

95 Causewayside

Edinburgh EH9 1QG

Telephone: 0131 662 1962

Fax: 0131 662 9486

E-mail: [fair@fairadvice.org.uk](mailto:fair@fairadvice.org.uk)

Website: [www.fairadvice.org.uk](http://www.fairadvice.org.uk)

FAIR gives information and advice on a wide variety of topics to families of children and young people with learning disabilities. They also produce a range of easy to read leaflets/booklets and interactive CD Roms.

### **The Action Group**

Norton Park

57 Albion Road

Edinburgh EH7 5QY

Telephone: 0131 475 2315

Fax: 0131 475 2316

E-mail: [advice@actiongroup.org.uk](mailto:advice@actiongroup.org.uk)

Website: [www.actiongroup.org.uk](http://www.actiongroup.org.uk)

As well as providing an information service, The Action Group runs a wide range of support services for children with additional support needs and their families, including holiday playschemes, sitter services, welfare rights advice, etc.

### **Extra Strands**

Care of Jill Reid or FAIR above.

Extra Strands is a support group for families of children with any additional support needs in mainstream schools. The group meets once a school term. Its aims are to provide mutual support and to influence policy at a local level though its involvement with the City of Edinburgh Council Additional Support Needs Forum.

### **Vocal – Voice of Carers Across Lothian**

The Princess Royal Trust Vocal Carers Centre  
8–13 Johnston Terrace  
Edinburgh EH1 2PW  
Telephone: 0131 622 6666  
Fax: 0131 622 7621  
E-mail: [centre@vocal.org.uk](mailto:centre@vocal.org.uk)  
Website: [www.vocal.org.uk](http://www.vocal.org.uk)

Vocal provides support to carers in many ways including information and advice, advocacy, support groups, training courses for carers and counselling with trained volunteer counsellors free of charge.

### **Contact a Family**

209–211 City Road  
London EC1V 1JN  
Freephone helpline: 0808 808 3555 or textphone: 0808 808 3556  
Telephone: 020 7608 8700  
Fax: 020 7608 8701  
E-mail: [info@cafamily.org.uk](mailto:info@cafamily.org.uk)  
Website: [www.cafamily.org.uk](http://www.cafamily.org.uk)

### **Contact a Family – Scotland**

Craigmillar Social and Arts Centre  
11/9 Harewood Road  
Edinburgh EH16 4NT  
Telephone: 0131 659 2930  
E-mail: [scotland.office@cafamily.org.uk](mailto:scotland.office@cafamily.org.uk)

Contact a Family is a UK-wide charity providing support, advice and information for families with disabled children. It publishes a Directory of Specific Conditions and Rare Disorders and provides developmental advice to local and national family support groups.

### **Capability Scotland**

11 Ellersley Road  
Edinburgh EH12 6HY  
Telephone: 0131 337 9876  
Fax: 0131 346 7864  
Textphone: 0131 346 2529  
E-mail: [ascs@capability-scotland.org.uk](mailto:ascs@capability-scotland.org.uk)  
Website: [www.capability-scotland.org.uk](http://www.capability-scotland.org.uk)

Capability Scotland is a large disability organisation offering a range of services and supports for those with physical disabilities.

### **Barnardo's Scotland**

235 Corstorphine Road  
Edinburgh EH12 7AR  
Telephone: 0131 334 9893  
Fax: 0131 316 4008  
Website: [www.barnardos.org.uk](http://www.barnardos.org.uk)

Barnardo's works to give disadvantaged children help to build their future. It runs local projects including those for families of children with additional support needs.

### **Childline in Scotland (Edinburgh)**

11 Thistle Street  
Edinburgh EH2 1DF  
Helpline: 0800 1111  
Telephone: 0207 650 3340  
Website: [www.childline.org.uk](http://www.childline.org.uk)

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

### **Equality and Human Rights Commission**

The Optima Building  
58 Robertson Street  
Glasgow G2 8DQ  
Telephone: 0141 228 5910 (non-helpline calls only)  
Fax: 0141 228 5912  
E-mail: [Scotland@equalityhumanrights.com](mailto:Scotland@equalityhumanrights.com)  
Helpline (Scotland): 0845 604 5516

### **Parentline Scotland**

Helpline: 08000 28 22 33  
E-mail: [parentlinescotland@children1st.org.uk](mailto:parentlinescotland@children1st.org.uk)  
Website: [www.parentlinescotland.org.uk](http://www.parentlinescotland.org.uk)

Parentline is a confidential telephone helpline providing support to parents and carers in talking through any concerns about parenting.

### **Schoolhouse Home Education Association**

PO Box 18044  
Glenrothes  
Fife KY7 9AD  
Telephone: 01307 463 120  
E-mail: [info@schoolhouse.org.uk](mailto:info@schoolhouse.org.uk)  
Website: [www.schoolhouse.org.uk](http://www.schoolhouse.org.uk)

Schoolhouse offers information and support related to home-based education.

## **SKILL Scotland**

Norton Park  
57 Albion Road  
Edinburgh EH7 5QY  
Helpline: 0800 328 5050  
Telephone: 0131 475 2348  
Fax: 0131 475 2397  
E-mail: [admin@skillscotland.org.uk](mailto:admin@skillscotland.org.uk)  
Website: [www.skill.org.uk](http://www.skill.org.uk)

This service promotes opportunities for young people and adults with any kind of disability in post-16 education, training and employment across the UK.

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## **Information and advice for particular types of additional support needs:**

### **Attention Deficit Hyperactivity Disorder**

#### **Ecosse ADDers**

31 Easton Drive  
Falkirk FK1 2DR  
Telephone: 01324 874292  
E-mail: [ecosseadders@blueyonder.co.uk](mailto:ecosseadders@blueyonder.co.uk)  
Website: [www.adders.org](http://www.adders.org)

### **Autism/Asperger's**

#### **Lothian Autistic Society**

Unit 22 Castlebrae Business Centre  
40 Peffer Place  
Edinburgh EH16 4BB  
Telephone/fax: 0131 661 3834  
E-mail: [office@lothianautistic.org](mailto:office@lothianautistic.org)  
Website: [www.lothianautistic.org](http://www.lothianautistic.org)

### **Blindness/Visual Impairment**

#### **Royal National Institute for the Blind**

12-14 Hillside Crescent  
Edinburgh EH7 5EA  
Telephone: 0131 652 3140  
Fax: 0131 652 3199  
RNIB Helpline: 0303 123 9999  
E-mail: [rnibscotland@rnib.org.uk](mailto:rnibscotland@rnib.org.uk)  
Website: [www.rnib.org.uk](http://www.rnib.org.uk)

## **Cerebral Palsy**

### **Capability Scotland**

11 Ellersly Road  
Edinburgh EH12 6HY  
Telephone: 0131 337 9876  
Fax: 0131 337 7864

## **Cystic Fibrosis**

### **Cystic Fibrosis Trust**

11 London Road  
Bromley  
Kent BR1 1BY  
General enquiries: 020 8464 7211  
Helpline: 0300 373 1000  
E-mail: [enquiries@cftrust.org.uk](mailto:enquiries@cftrust.org.uk)  
Website: [www.cftrust.org.uk](http://www.cftrust.org.uk)

## **Communication Difficulties**

### **Afasic Scotland**

The Vine  
43 Magdalene Road  
Dundee DD1 4NE  
Telephone: 01382 250060  
E-mail: [info@afasic.scotland.org.uk](mailto:info@afasic.scotland.org.uk)  
Website: [www.afasicscotland.org.uk](http://www.afasicscotland.org.uk)

### **Sense Scotland**

43 Middlesex Street  
Glasgow G41 1EE  
Telephone: 0300 330 9292  
E-mail: [info@sensescotland.org.uk](mailto:info@sensescotland.org.uk)  
Website: [www.sensescotland.org.uk](http://www.sensescotland.org.uk)

## **Deafness/Hearing Impairment**

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

Second Floor  
Empire House  
131 West Nile Street  
Glasgow G1 2RX  
Telephone: 0141 354 7850  
Fax: 0141 331 2780  
Textphone: 0141 332 6133  
E-mail: [ndcs.Scotland@ndcs.org.uk](mailto:ndcs.Scotland@ndcs.org.uk)  
Website: [www.ndcs.org.uk](http://www.ndcs.org.uk)

## **Royal National Institute for the Deaf**

Empire House  
131 West Nile Street  
Glasgow G1 2RX  
Telephone: 0141 341 5330  
Fax: 0141 354 0176  
Textphone: 0141 341 5347  
E-mail: [rnidscotland@rnid.org.uk](mailto:rnidscotland@rnid.org.uk)  
Website: [www.rnid.org.uk](http://www.rnid.org.uk)

## **Down's Syndrome**

### **Down's Syndrome – Scotland**

158/160 Balgreen Road  
Edinburgh EH11 3AU  
Telephone: 0131 313 4225  
Fax: 0131 313 4285  
E-mail: [info@dsscotland.org.uk](mailto:info@dsscotland.org.uk)  
Website: [www.dsscotland.org.uk](http://www.dsscotland.org.uk)

## **Dyslexia**

### **Dyslexia Scotland**

Unit 3  
Stirling Business Centre  
Wellgreen  
Stirling FK8 2DZ  
Helpline: 0844 800 8484  
Telephone: 01786 446 650  
Fax: 01786 471 235  
E-mail: [info@dyslexiascotland.org.uk](mailto:info@dyslexiascotland.org.uk)  
Website: [www.dyslexiascotland.org.uk](http://www.dyslexiascotland.org.uk)

## **Dyspraxia**

### **Dyspraxia Foundation**

8 West Alley  
Hitchin  
Hertfordshire SG5 1EG  
Helpline: 01462 454 986  
Telephone: 01462 455 016  
Fax: 01462 455 052  
E-mail: [dyspraxia@dyspraxia.org.uk](mailto:dyspraxia@dyspraxia.org.uk)  
Website: [www.dyspraxiafoundation.org.uk](http://www.dyspraxiafoundation.org.uk)



## **Epilepsy**

### **Epilepsy Scotland**

48 Govan Road  
Glasgow G51 1JL  
Helpline: 0808 800 2200  
Telephone: 0141 427 4911  
Fax: 0141 419 1709  
E-mail: [enquiries@epilepsyscotland.org.uk](mailto:enquiries@epilepsyscotland.org.uk)  
Website: [www.epilepsyscotland.org.uk](http://www.epilepsyscotland.org.uk)

## **Highly Able**

### **Scottish Network for Able Pupils**

Room 556  
St Andrew's Building  
University of Glasgow  
11 Eldon Street  
Glasgow G3 6NH  
Telephone: 0141 330 3071  
E-mail: [snap@educ.gla.ac.uk](mailto:snap@educ.gla.ac.uk)  
Website: [www.ablepupils.com](http://www.ablepupils.com)

## **Learning Disability**

### **Enable Scotland**

2nd Floor  
146 Argyle Street  
Glasgow G2 8BL  
Telephone: 0141 226 4541  
Fax: 0141 204 4398  
E-mail: [enable@enable.org.uk](mailto:enable@enable.org.uk)  
Website: [www.enable.org.uk](http://www.enable.org.uk)

## **Mental Health**

### **Scottish Association for Mental Health (SAMH)**

Cumrae House  
15 Carlton Court  
Glasgow G5 9JP  
Telephone: 0141 568 7000  
Fax: 0141 568 7001  
SAMH Information Service: 0800 917 3466  
E-mail: [enquire@samh.org.uk](mailto:enquire@samh.org.uk)  
Website: [www.samh.org.uk](http://www.samh.org.uk)

## **Child Psychotherapy Trust in Scotland**

5 La Belle Place  
Glasgow G3 7LH  
Telephone: 0141 353 3399  
Fax: 0141 332 3999

## **Metabolic Conditions**

### **Children Living with Inherited Metabolic Diseases (CLIMB)**

176 Nantwich Road  
Crewe CW2 6BG  
Telephone: 0800 652 3181  
0845 241 2172/2173 Monday–Friday 10 am–4 pm  
Fax: 0845 241 2174  
E-mail: [info.svcs@www.climb.org.uk](mailto:info.svcs@www.climb.org.uk)  
Website: [www.climb.org.uk](http://www.climb.org.uk)

## **Muscular Dystrophy**

### **Muscular Dystrophy Campaign**

61 Southwark Street  
London SE1 0HL  
Telephone: 020 7803 4800  
E-mail: [info@muscular-dystrophy.org](mailto:info@muscular-dystrophy.org)  
Website: [www.muscular-dystrophy.org](http://www.muscular-dystrophy.org)





## HAPPY TO TRANSLATE

ترجمے کے لئے حاضر بسعدنا توفير الترجمة 很乐意翻译

MOŻEMY PRZETŁUMACZYĆ আনন্দের সঙ্গে অনুবাদ করব

You can get this document on tape, in Braille, **large print** and various computer formats if you ask us. Please contact the Interpretation and Translation Service (ITS) on 0131 242 8181 and quote reference number 00751. The ITS can also give information on community language translations.