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.

SEPTEMBER 2026

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

爲公衆人士提供的資訊

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

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Contents

Preface	1
Introduction	2
Chapter 1 – Our policy for additional support needs	3
Chapter 2 – Identifying and assessing children who may have additional support needs	4
Chapter 3 – Meeting additional support needs	9
Chapter 4 – Choosing where to be educated	14
Chapter 5 – Coordinated support plans	19
Chapter 6 – Starting school, changing schools and leaving school	24
Chapter 7 – Working with children and parents	25
Chapter 8 – Resolving disagreements	29
Appendix 1 – List of special provision	36
Appendix 2 – Conditions for refusing a placing request	39
Appendix 3 – Appropriate agencies	41
Appendix 4 – Other ways of resolving disagreements	42
Appendix 5 – Other sources of information and advice	43

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.

Further information about anything in this document is available from:

Education Resource Group
The City of Edinburgh Council
Children, Education and Communities
Waverley Court
Business Centre 1/2
4 East Market Street
Edinburgh EH8 8BG
E-mail: educationresourcegroup@edinburgh.gov.uk

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

Resolution Mediation Scotland
Telephone: 07577 060 801
E-mail: info@resolutionmediationscotland.co.uk
Web: www.resolutionmediationscotland.co.uk

You can also request mediation by e-mailing the City of Edinburgh Council at educationresourcegroup@edinburgh.gov.uk

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

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.

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, often referred to as universal support.

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 for every child (GIRFEC)***. 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 pupil support 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.

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 an early years worker 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.

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.

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 Education Resource Group 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 Education Resource Group 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 Education Resource Group 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 the Education Resource Group 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.

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 challenging circumstances 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

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, Skills Development 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 Skills Development 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:

- 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 may be entitled to such a nursery place. These are children who are looked after by the Social Work Authority and children whose 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 that may be provided in these nurseries and child and family centres:

- support from a pupil support assistant
- support from a member of staff who has special training and experience in helping children with a visual, hearing or communication difficulty

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 that may be provided in our mainstream schools:

- support from the English as an Additional Language Service for schools working with bilingual pupils
- support from a pupil support 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
- arrangements for assessments 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 difficulties
- support from a family support service – for example a social worker may help to arrange respite for a family who have a child with a disability

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 – 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 adulthood. Here are some examples of the support that may be provided for these young people:

- advice from a careers adviser about opportunities for work, employability courses, on-the-job training and further and higher education
- transition courses provided by post school providers
- meetings and discussions with the accessibility officer of a 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 GIRFEC.

Types of plans that may be used for children with additional support needs are:

1 Individualised Educational Programme (IEP):

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 which supports a child's wellbeing with a focus on detailed planning and achievable outcomes.

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 evaluated and updated following every meeting about the child.

3 Coordinated Support Plan (CSP):

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 Education Resource Group 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 the Education Resource Group 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 the Education Resource Group 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 to minimise disruption to the delivery of learning.

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 the Education Resource Group 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 Education Authority special schools and special classes is given in Appendix 1.

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 Education Resource Group whose contact details are given on page 1.

Placing requests can be made for a school managed by the City of Edinburgh Council Education Authority by parent/s or young persons who are resident anywhere in England, Wales or Scotland – this may occur when the family is planning to move to the City of Edinburgh Council or it may occur when the family are resident in a Scottish Education Authority neighbouring the City of Edinburgh Council. Placing requests under the terms of the Act cannot be made by parent/s or young persons who are resident in a country other than England, Wales or Scotland.

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 Education Resource Group 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

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 **Health and Education Chamber 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.

Exclusions

The Education Authority can remove a child from a school which it manages – by 'excluding' them – for one or both of the following reasons:

- The parent(s) of the child 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 child 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.

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 Education Resource Group whose contact details are given on page 1.

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.

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.
- 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.

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 are those 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 national 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.

Keeping the plan

The coordinated support plan will contain personal information about the child so 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.

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.

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.

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.

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.

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.

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.

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.
- 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.

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

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

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:

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

Chapter 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.

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.

Complaints Service

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

Complaints Service
The City of Edinburgh Council
Waverley Court
Business Centre 1/4
4 East Market Street
Edinburgh
EH8 8BG
E-mail: 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.

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. 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 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 Health and Education Chamber Tribunal.
- Disagreements relating to the refusal of a placing request for a particular nursery or school. These can be taken to the Health and Education Chamber 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 Health and Education Chamber 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.

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 in the case of a child for whom an Education Authority is responsible for providing education – 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 Education Resource Group 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
Glasgow Tribunals Centre
20 York Street
GLASGOW G2 8GT
Telephone: 0141 302 5860
E-mail: ASNTribunal@scotcourtstribunals.gov.uk
Website: 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

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 Health and Education Chamber Tribunal against the refusal of a plan – in which case the placing request appeal would go to the Health and Education Chamber Tribunal.

The committee also hears appeals by parents and young people against a decision by the Education Authority to refuse a place in a special school in the case of a child for whom no Education Authority is responsible for providing an education – for example a child who is educated at home.

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 Education Resource Group 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

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 above.

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** and the **Equality and Human Rights Commission** whose details are given at Appendix 5 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.

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

Specialist provisions managed by the Education Authority

The City of Edinburgh Council has ten stand-alone special schools. The number of places in our special schools varies, ranging from 50 to 136.

The City of Edinburgh Council has 6 Enhanced Support Bases situated within primary mainstream schools. The number of places in our Enhanced Support Bases varies, ranging from 16 to 24.

All children and young people who attend our specialist provisions have lifelong, severe or profound needs that require a level and pace of learning that is significantly different to peers of their own age.

The curriculum delivered within the provisions varies widely, as the programmes of study offered are tailored to reflect the needs of the cohort of children and young people placed there at any given time. The children and young people are taught through a combination of individual, paired and small group experiences. Everyday meaningful life skills, developing personal independence, functional early literacy and numeracy skills, communication skills, and health and wellbeing form the core of the curriculum.

In specialist provisions there is often more flexibility across the stages, meaning pupils may be placed according to their level of functioning and needs, rather than age. For example, children and young people with lifelong, severe or profound needs, groupings for classes take account of sensory sensitivities and preferences, the child's level of engagement in the curriculum, their developmental level and communication.

Name	Contact Details	Sector
Braidburn School	107 Oxgangs Road North Edinburgh EH14 1ED 0131 312 2320	Nursery Primary Secondary
Broughton Primary School Enhanced Support Base	132 Broughton Road Edinburgh EH7 4LD 0131 556 7028	Primary
Brunstane Primary School Enhanced Support Base	106 Magdalene Drive Edinburgh, EH15 3BE 0131 669 4498	Primary
Clovenstone Primary School Enhanced Support Base	54 Clovenstone Park Edinburgh EH14 3EY 0131 453 4242	Primary
Craigentinny Primary School Enhanced Support Base	4 Loganlea Drive Edinburgh EH7 6LR 0131 661 2749	Primary
Murrayburn Primary School Enhanced Support Base	1 Sighthill Loan Edinburgh EH11 4NP 0131 453 5339	Primary

Kaimes School	140 Lasswade Road Edinburgh EH16 6RT 0131 664 8241	Secondary
Oaklands School	750 Ferry Road Edinburgh EH4 4PQ 0131 315 8100	Nursery Primary Secondary
Pilrig Park School	12 Balfour Place Edinburgh EH6 5DW 0131 467 7960	Secondary
Prospect Bank School	81 Restalrig Road Edinburgh EH6 8BQ 0131 553 2239	Primary
Redhall School	3C Redhall Grove Edinburgh EH14 2SA 0131 443 1256	Primary
Rowanfield School	67c Groathill Road Edinburgh EH4 2SA 0131 343 6116	Primary
St Crispin's School	1 Burdiehouse Crescent Edinburgh EH17 8ES 0131 667 4831	Primary Secondary
Stenhouse Primary School Enhanced Support Base	4 Saughton Mains Road Edinburgh EH11 3HH 0131 443 1255	Primary
Westfield Secondary School	97 Gorgie Park Road Edinburgh EH11 2QL 0131 313 3848	Secondary
Woodlands School	36 Dolphin Avenue Edinburgh EH14 5RD 0131 449 3447	Secondary

Independent special schools not managed by the Education Authority attended by the City of Edinburgh pupils

Name	Contact details	Description
Dunedin School	Liberton Bank House, 5 Nether Liberton Lane, Edinburgh EH16 5TY Tel: 0131 672 2638 E-mail: staff@dunedin.edin.sch.uk	Stage: secondary Type of need: socially and emotionally vulnerable; school-refusers
Donaldson's Sensational Learning Centre	Preston Road, Linlithgow EH49 6HZ Tel: 01506 841900 E-mail: info@donaldsons.org.uk	Stage: primary and secondary Type of need: deaf; hearing impaired; communication difficulties including autism
Harmeny School	Harmeny School Mansfield Road, Balerno EH14 7JY Tel. 0131 449 3938	Stage: primary and secondary Type of need: social, emotional and behavioural difficulties
Royal Blind School	43 Canaan Lane, Edinburgh EH10 4SG Tel: 446 3120 E-mail: hello@sightscotland.org.uk	Stage: nursery, primary and secondary Type of need: visually impaired and blind

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
Website: www.nhslothian.scot.nhs.uk

Skills Development Scotland
Operates at various partner locations across Edinburgh please see here for the latest list of venues and how to get in touch: New locations for the career service in Edinburgh – Skills Development Scotland
Telephone: 0800 917 8000
Website: www.skillsdevelopmentscotland.co.uk

Scottish Rural College
Kings Buildings
EDINBURGH EH9 3JG
Telephone: 0131 535 4000
E-mail: recruitment@sruc.ac.uk
Website: www.sruc.ac.uk

Heriot-Watt University
EDINBURGH EH14 4AS
Telephone: 0131 449 5111
E-mail: enquiries@hw.ac.uk
Website: 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
Website: www.edinburghcollege.ac.uk

The University of Edinburgh
Old College
South Bridge
EDINBURGH EH8 9YL
Telephone: 0131 650 2845
E-mail: infopoint@ed.ac.uk
Website: www.ed.ac.uk

Edinburgh Napier University
Craiglockhart Campus
EDINBURGH EH14 1DJ
Telephone: 0333 900 6040
Website: www.napier.ac.uk

Queen Margaret University
Queen Margaret University Drive
MUSSELBURGH EH21 6UU
Telephone: 0131 474 000
E-mail: admissions@qmu.ac.uk
Website: www.qmu.ac.uk

Any other Local Authority

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

Scottish Public Services Ombudsman
4 Melville Street
EDINBURGH EH3 7NS
Telephone: 0800 377 7330
Website: www.spso.org.uk

Appendix 5 – Other sources of information and advice

General information and advice:

Enquire
Children in Scotland
Thorn House, 5 Rose Street
Edinburgh EH8 8DL
Telephone helpline: 0345 123 2303
E-mail: info@enquire.org.uk
Website: www.enquire.org.uk

Enquire is the Scottish advice service for additional support for learning, providing free, independent advice and information to parents, carers, and professionals about school and nursery support.

Scottish Independent Advocacy Alliance
The Melting Pot
15 Calton Road
Edinburgh EH8 8DL
Telephone: 0131 510 9410
E-mail: enquiry@siaa.org.uk
Website: www.siaa.org.uk

The Scottish Independent Advocacy Alliance (SIAA) is the national organisation that promotes, supports, and defends independent advocacy across Scotland.

Kindred
Royal Hospital for Children and Young People
50 Little France
Edinburgh EH16 4SA
Telephone: 0800 031 5793
E-mail: enquiries@kindred-scotland.org
Website: www.kindred-scotland.org

Kindred is a Scottish parent-led charity that provides free information, emotional support, and independent advocacy for families raising children with complex needs, disabilities, or life-limiting conditions.

Equality Advisory and Support Service
Freepost EASS helpline FPN6521
Telephone: 0808 800 0082
Website: www.equalityadvisoryservice.com

The Equality Advisory and Support Service (EASS) is a free, government-funded helpline that advises and assists individuals across England, Scotland, and Wales on equality and human rights issues.

Children and Young People's Commissioner Scotland
Brightside House
99 McDonald Road
Edinburgh EH7 4NS
Freephone telephone: 0800 019 1179
Website: www.cypcs.org.uk

The Children and Young People's Commissioner Scotland is an independent official appointed to promote and safeguard the human rights of children and young people aged 18 and under (or up to 21 if they have care experience.

Family Advice and Information Resource – FAIR
The Coach House
7 St Albans Road
Edinburgh EH9 2PA
Telephone: 0131 662 1962
E-mail: fair@fairadvice.org.uk
Website: www.fairadvice.org.uk

Family Advice and Information Resource (FAIR) is a free, independent Edinburgh-based charity that supports people with learning disabilities, their carers, and their families.

The Action Group
The Prentice Centre
1 Granton Mains Avenue
Edinburgh EH4 4GS
Telephone: 0131 285 5207
E-mail: advice@actiongroup.org.uk
Website: www.actiongroup.org.uk

The Action Group is a Scottish charity that supports children, adults, and families with learning disabilities, autism, and other support needs.

Vocal – Edinburgh Carer's Hub
60 Leith Walk
EDINBURGH EH6 5HB
Telephone: 0131 622 6666
E-mail: centre@vocal.org.uk
Website: www.vocal.org.uk

VOCAL Edinburgh (Voice of Carers Across Lothian) is a charity that supports unpaid carers living or caring for someone in Edinburgh.

Contact
The Melting Pot
15 Calton Road
Edinburgh EH8 8DL
Telephone: 07458 046 071
Email: scotland.office@contact.org.uk
Website: www.contact.org.uk

Contact are a UK-wide charity for families raising a disabled child or young person aged up to 25 offering free advice, information, and support.

Capability Scotland
Vantage Point
24 St Johns Road
Edinburgh EH12 6NZ
Telephone: 0131 337 9876
E-mail: hello@capability.scot
Website: 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
111 Oxgangs Road North
Edinburgh EH14 1ED
Telephone: 0131 446 7000
Website: 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.

Enable
95 Causewayside
Edinburgh EH9 1QG
Telephone: 0131 667 2840
Website: www.enable.org.uk

Enable is a member-led Scottish charity that supports children and adults who have learning disabilities and their families.

Childline in Scotland (Glasgow)
144 Elliot Street
Glasgow G3 8EX
Helpline: 0800 1111
Telephone: 0141 440 6300
Website: 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
Helpline (Scotland): 0845 604 5516

The Equality and Human Rights Commission (EHRC) is Britain's independent equality regulator and an UN-accredited National Human Rights Institution.

Parentline Scotland
Helpline: 08000 28 22 33
E-mail: parentlinescotland@children1st.org.uk
Website: www.parentlinescotland.org.uk

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

Developing the Young Workforce
Edinburgh Chamber of Commerce
Auction House
63a George Steret
Edinburgh EH2 2JG
Telephone: 0131 221 2999
Website: www.dyw.org.uk

Specialist Law Centres:

Govan Law Centre
18–20 Orkney Street
Glasgow G51 2BZ
Telephone: 0141 440 2503
E-mail: letstalkasn@edlaw.org.uk
Website: www.govanlawcentre.org

Scottish Child Law Centre
The Melting Pot
15 Calton Road
Edinburgh EH8 8DL
Telephone: 0131 668 4400
E-mail: enquiries@sclc.org.uk

Cairn Legal
Regent House
113 West Regent Street
Glasgow G2 2RU
Telephone: 0141 221 7948
E-mail: info@cairnlegal.co.uk
Website: www.cairnlegal.co.uk



HAPPY TO **TRANSLATE**

يسعدنا **توفير الترجمة** ترجمے کے لئے حاضر 很樂意翻譯

MOŻEMY **PRZETŁUMACZYĆ** আনন্দের সঙ্গে **অনুবাদ করব**

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