



# A GUIDE FOR PARENTS

The Additional Support for Learning Bill

**Enquire**



SCOTTISH EXECUTIVE

## What is this leaflet about?

This leaflet is for the parents of all children and young people in Scotland's schools. 'Parents' here means anyone who has parental responsibility for a child or young person. 'Young people' here means 16 or 17 year-olds who are still at school. This leaflet tells you about some important proposed changes in the law which will affect children's and young people's education. These changes are to benefit children and young people who need additional support in school, and their parents.

The changes are not yet law. A Bill, called the Education (Additional Support for Learning) (Scotland) Bill, was introduced to the Scottish Parliament in October 2003. (Proposed new legislation is contained in a Bill until it has been approved by Parliament. It then becomes the law.) The Bill proposes a new system for helping children and young people with additional support needs.

## What are additional support needs?

The term additional support needs is new. It will be the duty of education authorities to give some extra help in school to all children and young people with additional support needs. Children and young people may need this help because they have a difficulty with reading or writing; they may be disabled; or they may have difficult family or other circumstances, which are holding them back in school. Additional support needs can be short or long term. For instance, additional support **may** be required for a child or young person who:

- **is being bullied**
- **has behavioural or learning difficulties**
- **is deaf or blind**
- **is particularly gifted**
- **is bereaved**
- **is not a regular attender.**

These are just some examples.

Sometimes, under the current system, some children's and young people's needs are not picked up. The proposed changes to the law will help these children and young people too.

## What is the new Bill aiming to do?

Scottish Ministers believe that the changes proposed in the Bill will:

- make a real difference to children's and young people's lives
- focus on delivering support, where it is needed, when it is needed
- improve effective joined-up working among education, health and social work services
- ensure that staff working in education, social work and health services work with parents, not against them
- encourage the involvement of children and young people in decisions affecting their own education
- provide safeguards for the rights of those with the most complex needs who need help for learning from other agencies.

## How will the Bill make a difference?

The Bill proposes **new duties on education authorities that will benefit children, young people and parents.**

### **Education authorities:**

- must identify, address, and keep under review, provision for the needs of all children and young people with additional support needs for whom they are responsible
- must provide parents with a contact person to advise and help them
- must provide a mediation service to help parents of children or young people with additional support needs when they have concerns about what the education authority is providing. The service must be independent and free of charge.
- must publish information about provision for additional support needs
- must involve other agencies who will support the child or young person when they leave school
- must provide those children or young people who need it with a Co-ordinated Support Plan (see below) and keep this under regular review.

### **Parents will have new rights:**

- to ask the education authority to find out whether their child has additional support needs
- to ask for a particular type of assessment for their child (e.g. medical or psychological)



- to use a new dispute resolution service when they disagree with the help the education authority is giving their child
- to ask the education authority to establish whether their child requires a Co-ordinated Support Plan (see below)
- to ask for an early review of an existing Co-ordinated Support Plan
- to appeal to a **new independent family friendly Tribunal** on a range of issues concerned with the Co-ordinated Support Plan. The Tribunal will be able to direct the education authority to take action to prepare or review a Plan or to amend the contents
- to make a placing request to an independent special school if their child has additional support needs (at present only those with a Record of Needs can do this).

Young people will also have these rights on their own behalf.

In addition, education authorities will be able to help children and young people with additional support needs who are not in education authority schools. For those children not yet old enough for school or nursery, this support will be of whatever type is appropriate for that child.

The Bill introduces a **new duty on other bodies**, such as Health Boards, to help education authorities to identify and support children's and young people's learning needs.

Scottish Ministers will issue a **Code of Practice** when the changes are made law. This will set out how the new system will operate. We will consult with parents' organisations and involved agencies in drawing up the Code.

## What support will there be for children and young people who have additional support needs?

Importantly, the Bill places duties on education authorities to address, and keep under consideration, provision for any additional support needs for all children and young people for whom they are responsible. The type of support provided will depend on the type of need. Learning plans, such as Personal Learning Plans and Individualised Educational Programmes will be used by the school to help plan the learning of children and young people with additional support needs.

## What help will there be for children and young people with the most complex needs?

The education authority will have to prepare a new **Co-ordinated Support Plan** for children aged 3 and above and young people. This will co-ordinate the support for those with additional support needs arising from complex or multiple factors, who need a range of support from different services. Co-ordination of the services is required where the education authority needs help from others both within the local authority itself, such as social work, or from outside agencies, such as health. The views of the child or young person and the parents will be noted in the Plan.

## What is in the Co-ordinated Support Plan?

The Co-ordinated Support Plan must contain:

- a description of why the child or young person has additional support needs
- the name of the child's or young person's school
- educational objectives the child or young person will be supported to achieve
- the support required to help the child or young person achieve those objectives
- who will provide this support
- the name of a contact person to provide advice and information to parents and the name of the person who will co-ordinate the Plan.

Importantly, the Co-ordinated Support Plan will set the aims for what the child should learn and will build on the child's strengths.

## If my child has a Record of Needs (the Record is used at the moment for children with the most complex needs), how will this be affected?

It will take time to introduce the new system. When it is in place the Record of Needs will not be used any more. Children with Records of Needs will be reassessed to see whether they will need a Co-ordinated Support Plan. Whether or not they get a Co-ordinated Support Plan, they will continue to receive the support they need for their learning.

## How long will it take for Parliament to discuss the Bill?

This will depend on Parliament, but it would normally take a few months. If the Bill is passed as an Act, the changes will probably not happen until 2005.



## Where can I find more information?

For more advice and information about what the Bill proposes, please contact the **Enquire Helpline on: 0845 123 2303**.

The Enquire service is funded by the Scottish Executive to provide independent advice on additional support for learning and special educational needs.

**Textphone: 0131 22 22 439**

**E-mail: [enquire.seninfo@childreninscotland.org.uk](mailto:enquire.seninfo@childreninscotland.org.uk)**

For a copy of the Bill, please contact the Parliament, or check their website:

**<http://www.scottish.parliament.uk/bills/index.htm>**

It is Parliament's job to scrutinise the Bill and to consider its proposals in detail, before it will allow the Bill to become an Act. MSPs are able to suggest changes to the Bill and the suggested changes are voted on. If you have any concerns about the Bill or the Parliamentary process, you can contact your MSP:

**<http://www.scottish.parliament.uk/msps/index.htm>**

This leaflet will be available in community languages and alternative formats, please make your request to Enquire, as above.