



**Education (Additional Support for Learning) (Scotland) Act 2004
Rights for Parents, Children and
Young People**

The Education (Additional Support for Learning) (Scotland) Act 2004 which came into force on 14th November 2005 introduced new rights for parents and young people in relation to additional support needs.

What does “parent” mean in the Act?

The term “parent” includes “guardian and any person who is liable to maintain, or has parental responsibilities or has care of a child or young person”.

What does “young person” mean in the Act?

A young person is a person over 16 who is not yet 18 years old and is receiving school education. Young people have the same rights as parents.

Partnership with parents is central to ensuring that children and young people with additional support needs benefit fully from school/nursery education. The Act further strengthens parents’ involvement in reaching decisions which are best for children’s and young people’s learning. You can have a supporter or advocate with you to help present your views at any meeting with the school/nursery or education authority. Children and young people have the right to have their views listened to and noted. In addition, you will be asked for your views, have them taken into account and have them noted if a Co-ordinated Support Plan is prepared for your child.

As a parent what can I ask for?

What can I ask for?	How do I do this?
Consideration of whether my child has additional support needs	Please contact your child’s school or nursery in the first instance. You can do this by phone or in writing, or by going into the school/nursery. It is likely that you will be invited to a meeting to discuss your request and the reasons for it. If it is appropriate a plan will be agreed for taking your request forward.
Consideration of whether my child requires a Co-ordinated Support Plan	You can also make these requests to Education and Children’s Services. In this case your request must be in a form that can be kept for future reference, e.g. letter, email, audio tape, and include the reasons for the request. To help you in this forms have been developed and you can ask for these by phoning 01738 476390.
A review of my child’s Co-ordinated Support Plan	

Ask for a specific type of assessment and/or examination. (A specific type of assessment or examination may include an educational, psychological, or medical assessment, or any combination of these).	You can do this when the education authority has proposed to establish if your child has additional support needs or requires a Co-ordinated Support Plan (or where a CSP is being reviewed). Where such a proposal has been made you will be informed of this right either at a meeting or in writing and provided with a form to complete. If you choose not to use this, any request must be in a form that can be kept for future reference, e.g. letter, email, audio tape, and include the reasons for the request, trying to be as specific as possible about why you think the assessment is needed.
A placement for my child in a specified school which may include an independent special school.	All parents can request a placement in a specified local authority school. If your child has additional support needs you can also request a placement in an independent special school. In all cases this request must be made in writing to Education and Children's Services.

As a parent, what information and advice should I receive?

- Advice and information about your child's additional support needs
- Information about the outcome of requests under the Act (see table above) and the reasons why a request is refused
- A copy of the Co-ordinated Support Plan and/or Individualised Educational Programme and any amended plan(s)

What should I do if there is a disagreement about my child's additional support needs?

Your rights	When does this apply?	How do I do this?
To use Mediation	As a first option to resolve a disagreement or misunderstanding in matters relating to your child's additional support needs. Can be used more than once.	By contacting your child's school/nursery in the first instance. Often you will be invited in for a meeting to discuss your concerns. You can also contact Education and Children's Services directly. In the case of Dispute Resolution you will be provided with an application form which must be completed to start the process.
To use Dispute Resolution	In matters relating to your child's additional support needs. Often mediation will already have been tried.	
To make a reference to the Additional Support Needs Tribunal	In matters relating to Co-ordinated Support Plans (including placing requests).	A reference form must be completed to start the process. This will be provided by Education and Children's Services or can be downloaded or submitted on line at www.asntscotland.gov.uk . You may be invited to have a meeting to discuss your concerns.

Where can I find more information?

- Information may be obtained by contacting, ASL Co-ordinator, at Pullar House on 01738 476390
- Further information on the Act is available from <http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/>
- Information and advice is also available from Enquire Helpline on 0845 123 2303
- Email: info@enquire.org.uk
- See other Information Sheets in the series:
 - Sheet 1 Introducing the Act
 - Sheet 3 Providing Additional Support
 - Sheet 4 Identifying, Monitoring, and Reviewing Additional Support Needs
 - Sheet 5 Educational Plans
 - Sheet 6 Additional Support Meetings
 - Sheet 7 Resolving Disagreements
 - Sheet 8 Sources of Support and Advice
 - Sheet 9 Providing Additional Support for Children under 5
 - Sheet 10 Individualised Educational Programmes (IEP)
 - Sheet 11 Transitions
 - Sheet 12 Preparing for Adulthood – Post School Transitions

These are also available online at www.pkc.gov.uk and follow the path:
Education and Learning, Schools, Schools – Additional Support Needs – Information Sheets

If you or someone you know would like a copy of this document in another language or format, (on occasion only a summary of the document will be provided in translation), this can be arranged by contacting:- Communication Manager on 01738 476873

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