

## **Leaflet 5: What can I do if I disagree?**

### **Who should I speak to if I am unhappy?**

It is always best if disagreements can be solved quickly and informally. You should contact your child's Early Learning and Childcare (ELC) setting or school in the first instance if you have any concerns. You can request a meeting at any time to ask questions and/or make your views known.

You can bring along a supporter or someone to advocate for you to help. A supporter can be a friend, relative, befriender, or worker from a voluntary organisation. They could also be a professional working with your family, such as a Social Worker. A supporter may help you in a number of ways, e.g. acting as a sounding board when preparing for the meeting, taking notes of the meeting, or giving you advice during the meeting.

You can also use an advocate who can help you in the same ways as a supporter. They can also speak on your behalf and represent your views at meetings. This service is not provided by the education authority but can be sourced locally and nationally free of charge. There is a local, Independent Advocacy service in Perth and Kinross <http://www.iapk.org.uk/>

'Let's Talk' is a national advocacy service for ASN and is also available free of charge <http://www.Enquire.org.uk>

It is expected that there will have been attempts to resolve disagreements with the school before considering more formal routes.

### **If I am still unhappy what can I do?**

The Inclusion Service in Perth and Kinross will be happy to discuss your concerns and will use their expertise and knowledge of Perth and Kinross schools to support a helpful resolution [ASN@pkc.gov.uk](mailto:ASN@pkc.gov.uk)

### **What other options are available to me?**

- Mediation - the council offers an independent mediation service which is confidential and free of charge. Use of this service does not affect the entitlement of any parent or young person to refer any matter to a Tribunal. [http://www.pkc.gov.uk/media/15577/Mediation-Leaflet/pdf/Mediation\\_Leaflet](http://www.pkc.gov.uk/media/15577/Mediation-Leaflet/pdf/Mediation_Leaflet)
- Dispute resolution – you can ask Scottish Ministers to appoint an independent adjudicator in order to take forward a formal review. This service is free of charge to parents and should not take more than 60 working days. Use of this service does not affect the entitlement of any parent or young person to refer any matter to a Tribunal. <http://www.gov.scot/Topics/Education/Schools/welfare/ASL/DR>
- Additional Support Needs Tribunals for Scotland - This is an independent body set up by the Scottish Government to deal with formal disagreements between parents or young people and education authorities in relation to:

- Co-ordinated Support Plans, see leaflet 3: What type of plan might my child need?
- appeals concerning refusals of placing requests in relation to special schools, see leaflet 8: Placing Requests
- school to post school transition, see leaflet 7d: How will my child be supported when leaving school?
- matters related to discrimination.

For information on timescales for submission to the Additional Support Needs Tribunals for Scotland please see information on their website as timescales vary. From receipt of your application which is called a 'Reference' the decision process should not take more than 3 to 4 months to the Tribunal hearing (4 to 5 months if July is included). This process is free of charge.

- Section 70 Complaints- This is available where there is a belief that the Education Authority has failed to carry out a legal duty. [Guidance](#) is available from the Scottish Government.

### **Can I make a complaint?**

Yes, if all other options have been unsuccessful, you can make a complaint through Perth and Kinross Council's complaints procedure <http://www.pkc.gov.uk/complaints>

Please Note: the complaint process cannot be used for exclusion appeals, placing requests, post school transition, or issues related to Co-ordinated Support Plan's (CSPs). These must go through the ASN Tribunal System.

Further information is available from:

- Staff in the school or Early Learning and Childcare(ELC) setting who know your child
- The Inclusion Service in Perth and Kinross Council ([ASN@pkc.gov.uk](mailto:ASN@pkc.gov.uk) or Customer Service Centre 01738 475000)
- Enquire Helpline on 0845 123 2303, [www.enquire.org.uk](http://www.enquire.org.uk) or [info@enquire.org.uk](mailto:info@enquire.org.uk)
- <http://www.legislation.gov.uk/asp/2009/7/contents>
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