
Education (Additional Support for Learning)(Scotland) Acts 2004 and 2009

The Education (Additional Support for Learning) (Scotland) Act 2004 came into force on 14th November 2005. This has been amended by The Education (Additional Support for Learning) (Scotland) Act 2009.

Systems have been improved and modernised for identifying and meeting the needs of **ALL** children and young people who may need support with their learning.

The Scottish Government produced a Code of Practice in 2004 to accompany the Act which was called Supporting Children's Learning. It explained the duties on the Highland Council and set out good practice. This was updated in 2010 to take account of The Education (Additional Support for Learning) (Scotland) Act 2009.

The 2004 Act introduced a new framework for supporting children and young people in education and introduced the term Additional Support Needs. The 2004 Act and the amendments resulting from the 2009 Act have extended the rights of parents and young people with regard to additional support needs.

The term Additional Support Needs applies to children or young people who, for whatever reason, require additional support, long or short term, in order to make the most of their education.

The Acts do not just cover education. They place a legal obligation on other agencies to help the Highland Council to support children and young people with Additional Support Needs.

Parents and young people can request an assessment of their needs at any time.

The Additional Support Needs of most children and young people will be identified, and provided for by the systems which all schools have in place (e.g. Normal Classroom Practice, Differentiation, Staged Approach, Individualised Educational Programme [IEP] / Child's Plan).

Some children and young people may require help from other agencies and this will be co-ordinated through the Child's Plan under the Getting It Right For Every Child approach (see Information Sheet 12).

A small number of children and young people will have additional support needs which are/arise from complex or multiple factors, have a significant adverse affect on their learning, will last for more than a year and require a significant level of support from more than one agency to benefit from education. Where this support needs to be co-ordinated a Co-ordinated Support Plan (CSP) may be considered as part of the Child's Plan.

The format of the Co-ordinated Support Plan is set by law. Parents can request that the Education Authority considers whether or not their child should have a Co-ordinated Support Plan, and that particular assessments be carried out as part of the process by writing to their local Area Education Manager. Co-ordinated Support Plans must be formally reviewed every 12 months.

Sometimes parents/young people are unhappy with a decision made by the education authority or perhaps about the support arrangements made for their child. If a local solution cannot be found there are rights for parents and young people to use mediation and dispute resolution services and to appeal to independent tribunals. Information regarding these appeal routes can be found from your school, CHIP+ or by requesting Information Sheet 10 (Working Together and Resolving Disagreements).

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