
Education (Additional Support for Learning)(Scotland) Act 2004 & 2009

The Duties & Responsibilities for "Other Appropriate Agencies"

All agencies are committed to "Getting it Right for Every Child" (GIRFEC). In addition the ASL Act brings specific duties and responsibilities to ensure that all children and young people are provided with the necessary support to help them work towards reaching their full potential. It also promotes joint working among those supporting children and young people.

WHO ARE "OTHER APPROPRIATE AGENCIES" AND WHAT ARE THEIR ROLES UNDER THIS ACT?

Any other Local Authority, any NHS Board, Skills Development Scotland, Further Education Colleges and Higher Education Institutes are specified in the legislation as being "other appropriate agencies".

The Education Authority must ask for, and take account of, relevant advice from these other agencies when they are establishing whether a child or young person has Additional Support Needs or would require a Co-ordinated Support Plan.

The Education Authority must be clear in its request for help from another agency to enable them to respond with specific information. This 'help' may be in the form of assessments or examinations. It could be giving information based on assessments already carried out.

ASSESSMENTS

Parents can request assessments if they feel their child has Additional Support Needs or may require a Co-ordinated Support Plan (CSP). Likewise, young people themselves can make a request. The Education Authority must comply with the request for assessment unless the request is unreasonable.

A request for an examination or assessment may not be reasonable in the circumstances where it:

- may not be in the best interests of the child or young person
- may not be seen as relevant to the child or young person's circumstances
- may be unnecessary as there has not been a significant change in the child or young person's circumstances since an earlier assessment was completed
- may be within an inappropriate time scale e.g. falling within a short time of a previous request
- may be unnecessary as there is already sufficient information

If the Education Authority refuses your request for an assessment, it must tell you why. If you are unhappy with the decision there are various methods of resolving disagreements including, discussion with the school or Area Education Manager and if that does not resolve the matter mediation and dispute resolution services are available. (see CHIP+ Information Sheet 10).

When the Education Authority requests help from an "Other Appropriate Agency" that agency has a duty to respond within 10 weeks from the date the request was sent unless:

- it is incompatible with their own functions, such as an inappropriate referral **OR**
- it unduly prejudices its carrying out of its functions i.e. their duty of care for patients already being seen would be affected

NHS HIGHLAND

NHS Highland has a duty to respond on time to the Authority's request for help so that the requirements of the law are met and the additional support needs of the child or young person are quickly assessed and appropriate support put in place.

There are some exceptions to the 10 week time limit:

- Assessment or examination cannot take place or the results are not available in time
- The family, child or young person fails to attend an appointment
- Advice or information requested from outside agencies is not provided before the time limit ends

NHS Highland will arrange for an assessment or examination, subject to your consent and that of your child, if the assessment or examination is reasonable in the circumstances. The Education Authority will then establish whether they do have additional support needs which may, or are likely to impact on their education.

Health professionals will be the key professionals to alert the Education Authority of pre-school children in their area who have or may have additional support needs and who may require a Co-ordinated Support Plan. However, any adult may bring to the attention of the Education Authority children who are under 3 years old who have, or appear to have, additional support needs arising from a disability. NHS Highland is the Universal Service responsible for leading and management of a Child's Plan under GIRFEC for pre-school children unless another Lead Professional is identified (e.g. Social Work).

It is expected that the specialist support, committed and agreed by NHS professionals in the Co-ordinated Support Plan, will be forthcoming.

SKILLS DEVELOPMENT SCOTLAND (FORMERLY KNOWN AS CAREERS SCOTLAND), FURTHER EDUCATION AND HIGHER EDUCATION ESTABLISHMENTS

When a young person with additional support needs is preparing to leave school it is especially important that agencies work together to plan transition at least one year before the young person's actual leaving date. A discussion with the Education Authority may be all that is required or the other agency may provide direct intervention or advice. For example a college may provide taster sessions.

Skills Development Scotland will continue to have an important role in supporting children and young people as they plan and move from school to the world of further education, employment or training. The Keyworker service is especially geared to supporting young people with additional support needs in Highland. They work closely with the Education Authority and other agencies at this time of transition. This service is normally accessed through the Skills Development Scotland named contact person for the school.

If, for any of the reasons outlined, there is a delay in another agency responding to a request for help there is a legal duty for the agency to inform the Education Authority giving the reason for the delay and giving a revised date for the completion of the assessment. The Education Authority must ensure that parents and young people are aware of the delay and the reasons for it.

Parents of children (and young people 16 - 17 year old in their own right) who have additional support needs, may make a reference to the Additional Support Needs Tribunal (from 14th November 2010) if they feel the Authority has failed to comply with its duties regarding school to post-school transition.