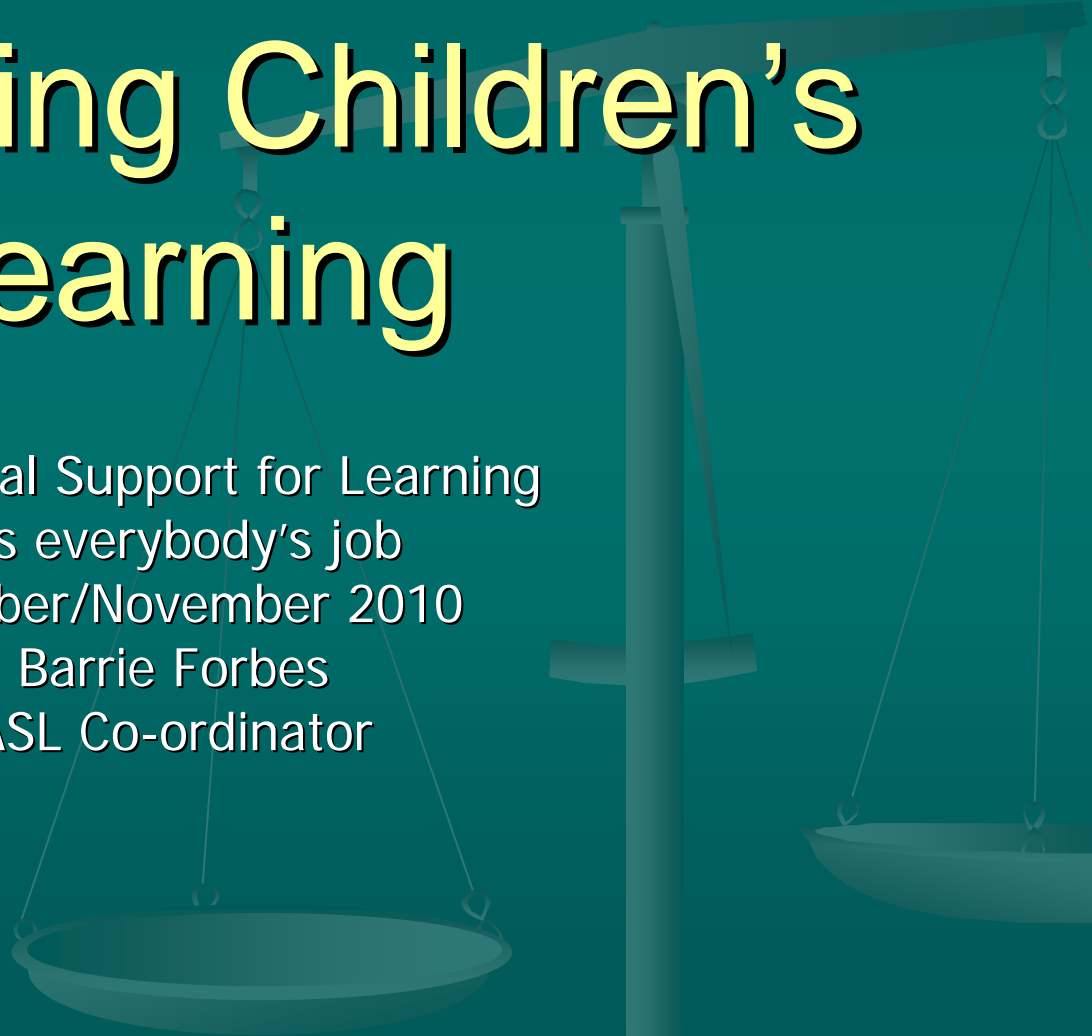


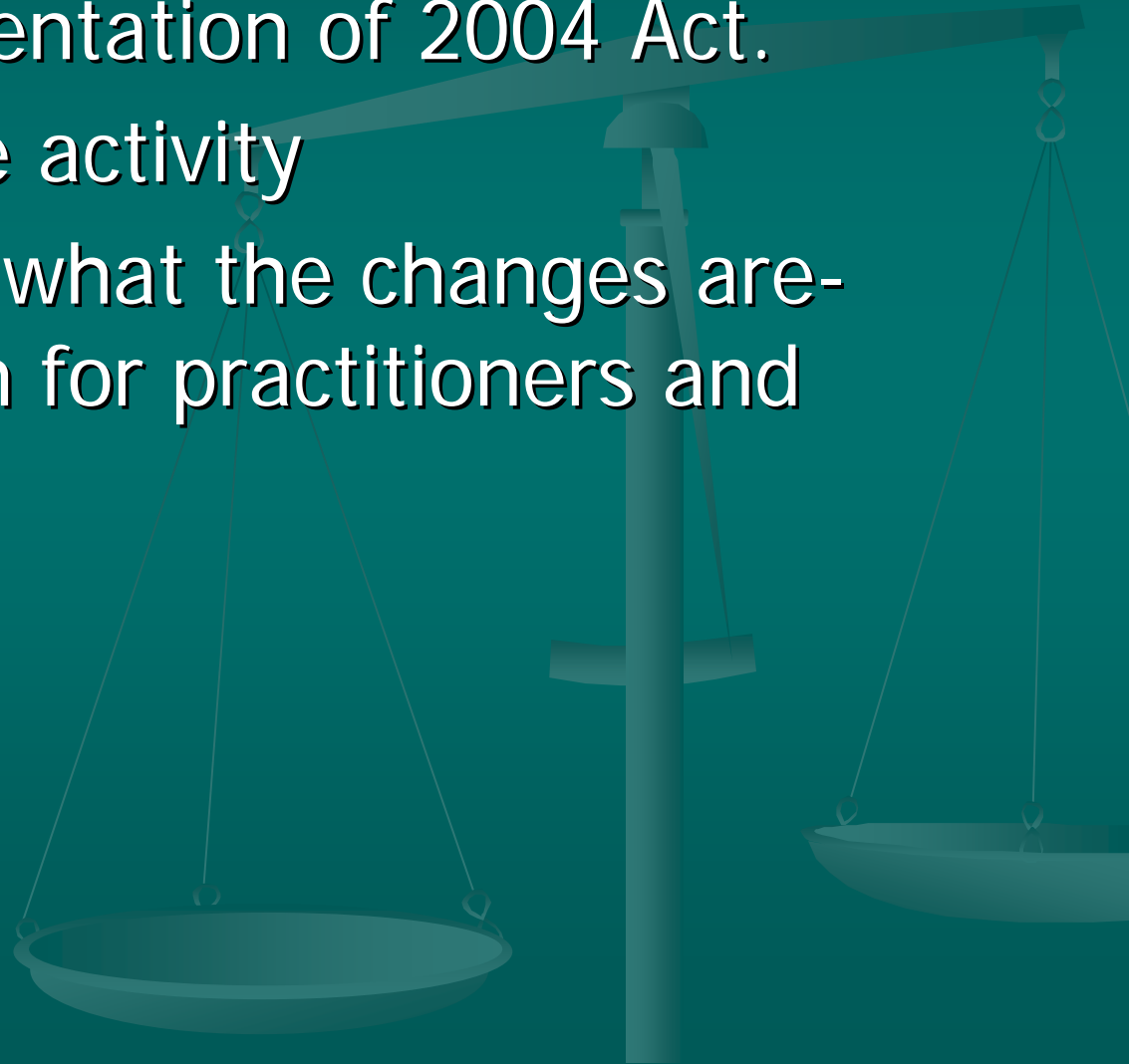
Supporting Children's Learning



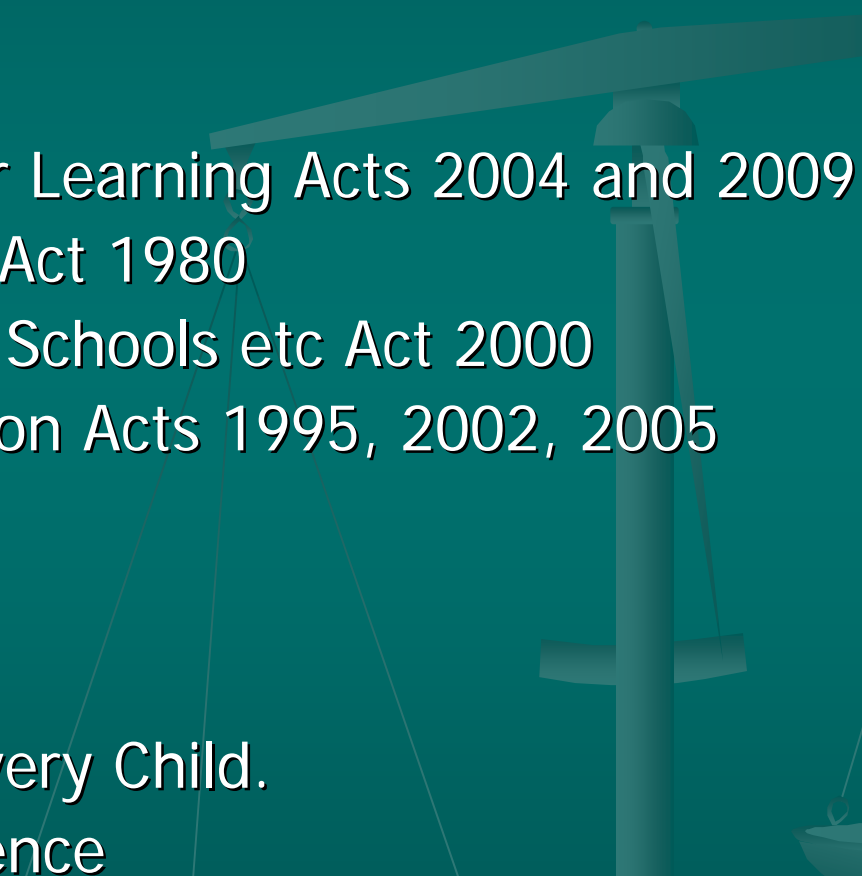
Additional Support for Learning
It's everybody's job
October/November 2010
Barrie Forbes
ASL Co-ordinator

Outline of session

- Look at implementation of 2004 Act.
- Short evaluative activity
- New legislation-what the changes are-what they mean for practitioners and managers.
- Questions



Support for Learning

- Drivers:
 - **Law**
 - Additional Support for Learning Acts 2004 and 2009
 - Education (Scotland)Act 1980
 - Standards in Scottish Schools etc Act 2000
 - Disability Discrimination Acts 1995, 2002, 2005
 - Equalities Act 2010
 - **Approach/Policy**
 - Getting it Right for Every Child.
 - Curriculum for Excellence
- 

Additional Support for Learning

Key Issue

Duty to provide for the Additional Support Needs of all pupils for whom The Highland Council is responsible

ie a general entitlement for all pupils

All children need support to help them learn from Universal through to significant individual additional support arrangements.

Additional Support is:

- 'provision which is additional to, or otherwise different from, the educational provision made generally for children'

(ASL Act 2004-Section 1(3))

Learning and teaching

Personnel

Resources

Additional Support for Learning

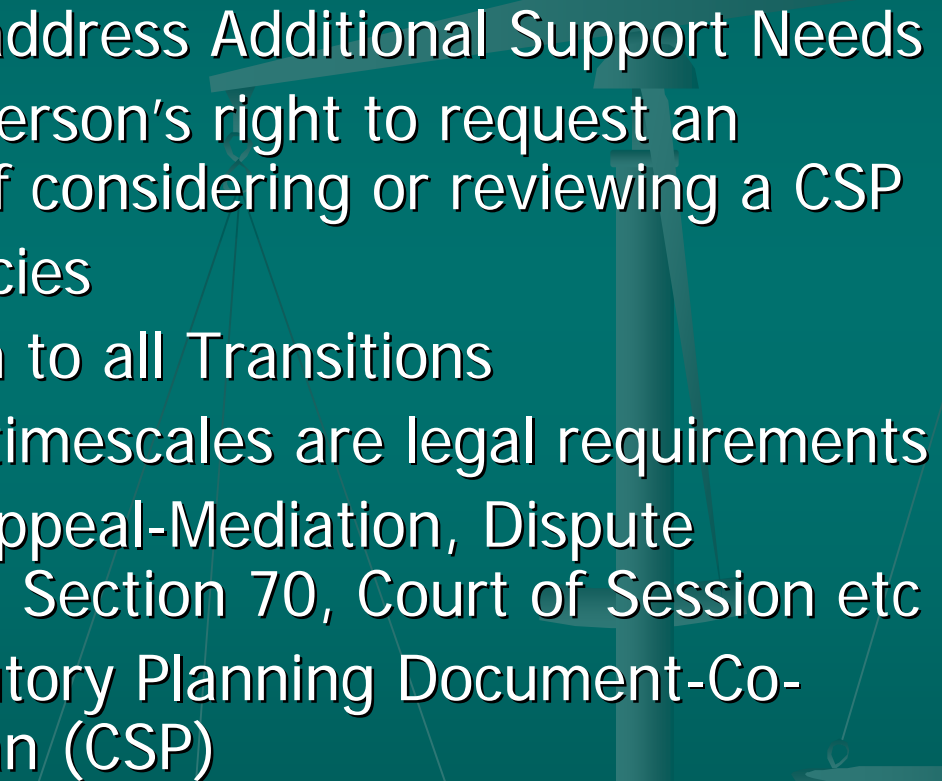
- Additional Support Needs include:
- Family member in prison
- Temporary medical conditions
- Terminal illness in the family
- School age pregnancy
- Language/communication disorders
- Disability
- EAL
- Hospital admission
- Interrupted learners
- etc
- Being bullied
- Divorcing parents
- Sensory impairment
- Childhood carer
- learning difficulties
- Gifted

Key messages



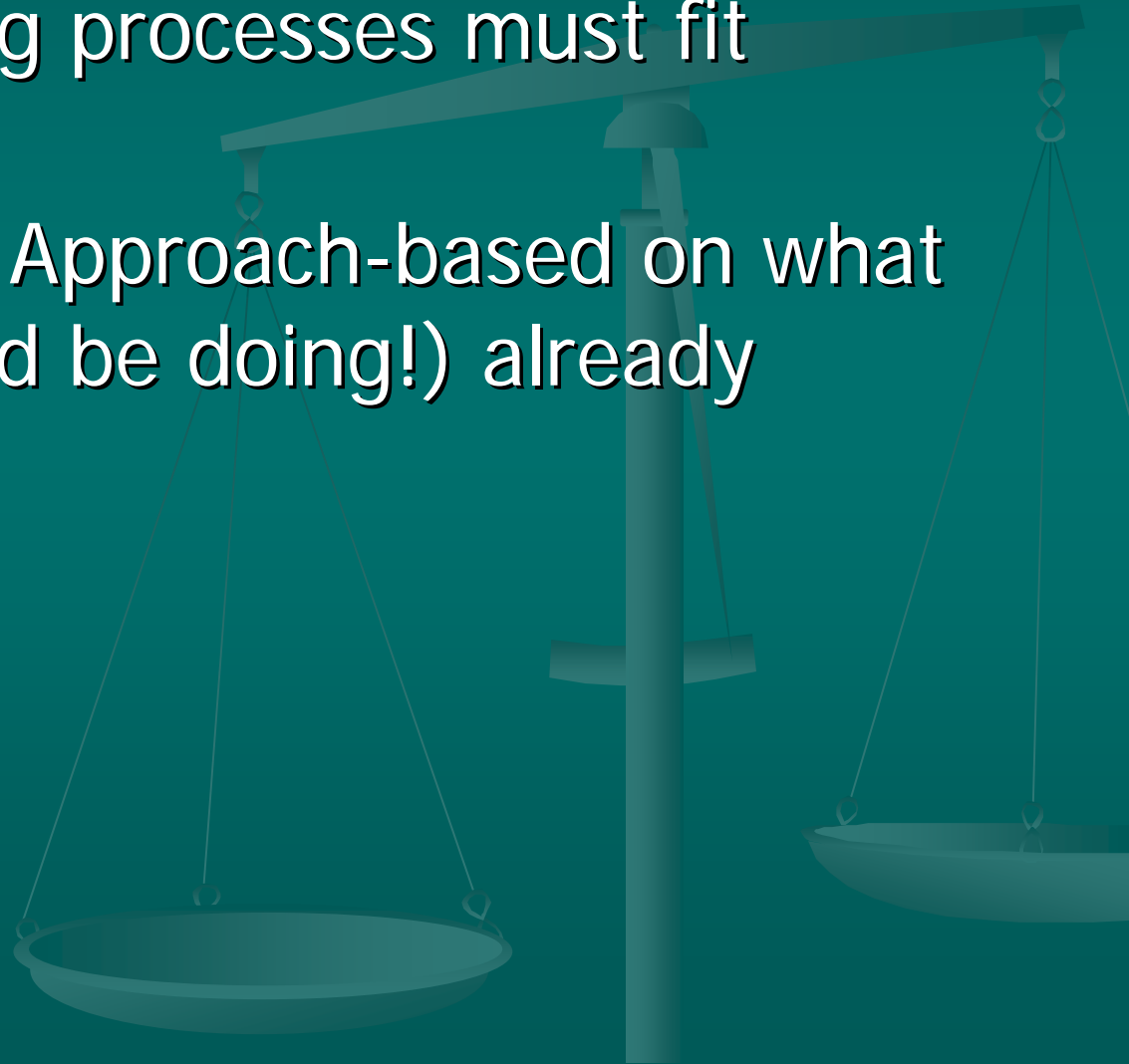
- Early effective intervention leads to better outcomes for children
- Focus on integrated assessment , planning and agencies working together
- Developing flexible ways of working together and training together as integrated children's services

Key Elements of the 2004 legislation

- Duty to identify and address Additional Support Needs
 - Parents' and Young person's right to request an assessment at time of considering or reviewing a CSP
 - Duties on other agencies
 - New duties in relation to all Transitions
 - Many processes and timescales are legal requirements
 - New legal routes of appeal-Mediation, Dispute Resolution, Tribunals, Section 70, Court of Session etc
 - Introduced new Statutory Planning Document-Co-ordinated Support Plan (CSP)
- 

Plans and planning processes must fit together.

- GIRFEC/Staged Approach-based on what we do (or should be doing!) already



Staged Approach

- All Scottish Authorities have adopted a Staged Approach to Supporting Children's Learning
- CfE states everybody is responsible for numeracy, literacy, health and wellbeing.
- Presumption of Inclusion-Standards in Scottish Schools etc 2000
- In Highland:
- The Support for Learners Policy Framework
- **Additional Support for Learning Policy**
- **Getting it Right for Every Child through a Staged Intervention Approach to Additional Support for Learning**
- **A Guide to the Education (Additional Support for Learning) (Scotland) Act 2004 and as amended 2009**
- All refer to The Staged Approach to Supporting Children's Learning

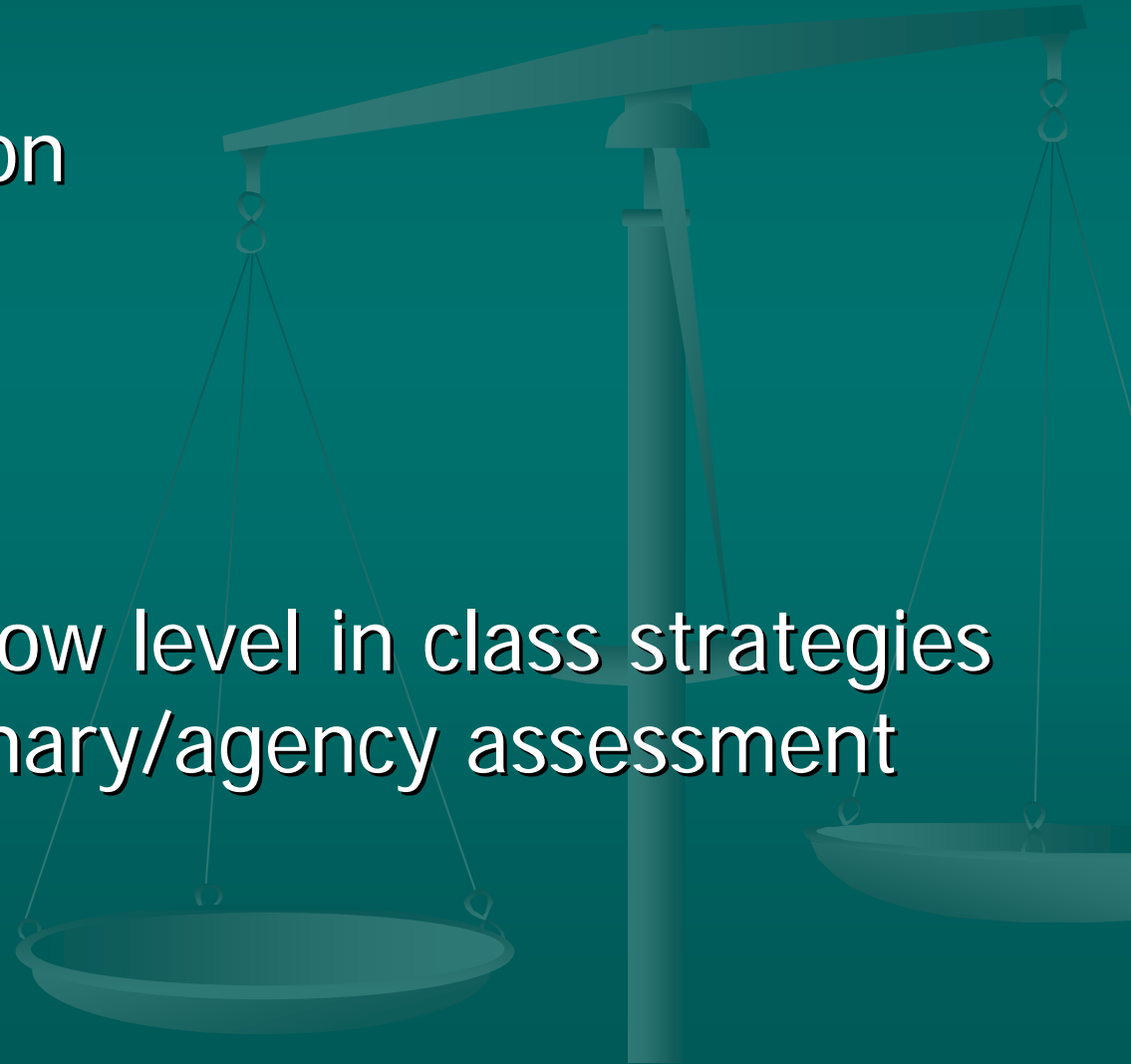
Staged Approach

- Assessing.....
 - Identifying.....
 - Providing for.....
-
- for the support needs of children and young people.



Staged Approach

- It advises:
 - Early intervention
 - Co-ordination
 - Collaboration
-
- It ranges from low level in class strategies to multi-disciplinary/agency assessment and planning.

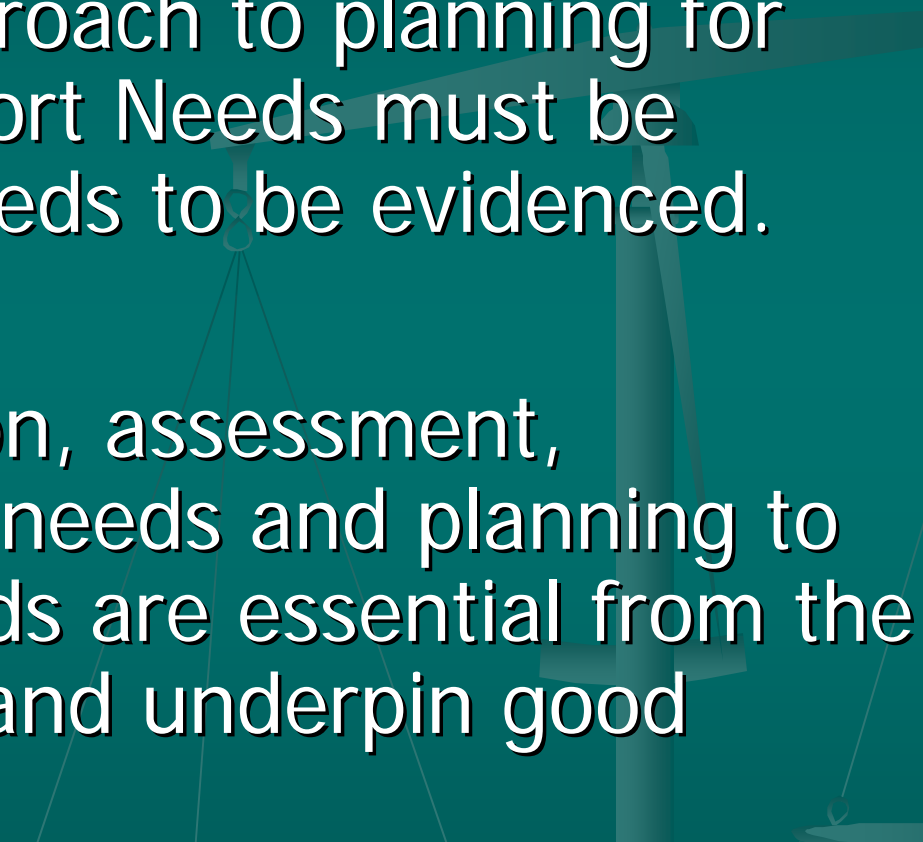


Staged Approach

The Staged Approach within Getting it Right for Every Child in Highland is a pathway for accessing additional support services to support the individual needs of a child or young person



Staged Approach

- The Staged Approach to planning for Additional Support Needs must be followed and needs to be evidenced.
 - Good observation, assessment, identification of needs and planning to meet those needs are essential from the very beginning and underpin good practice.
- 

Staged Approach/GIRFEC

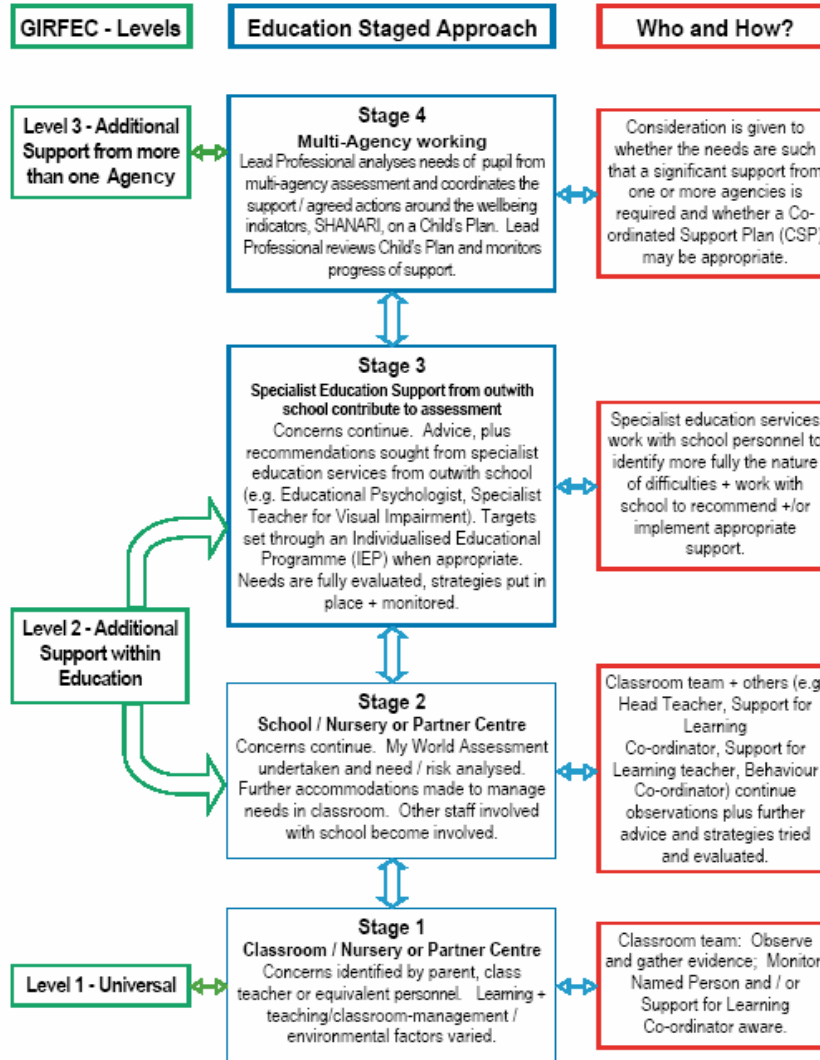
“Everyone has a responsibility to do the right thing for each child and we must all work towards a unified approach, with less bureaucracy and more freedom to get on and respond to children.

This will mean earlier help and the child getting the right help at the right time packaged for their particular needs.”

Staged Approach/GIRFEC

- NB.
- AT ALL STAGES, IF THE CONCERN IS ONE OF CHILD PROTECTION, THE AUTHORITY'S GUIDELINES MUST BE FOLLOWED AND MUST BE FOLLOWED UP THROUGH THE DESIGNATED OFFICER FOR CHILD PROTECTION IN THE ESTABLISHMENT.

IDENTIFYING AND RESPONDING TO ADDITIONAL SUPPORT NEEDS



Staged Approach/GIRFEC

- Stage 1-Form 1

Classroom/Nursery/Partner Centre

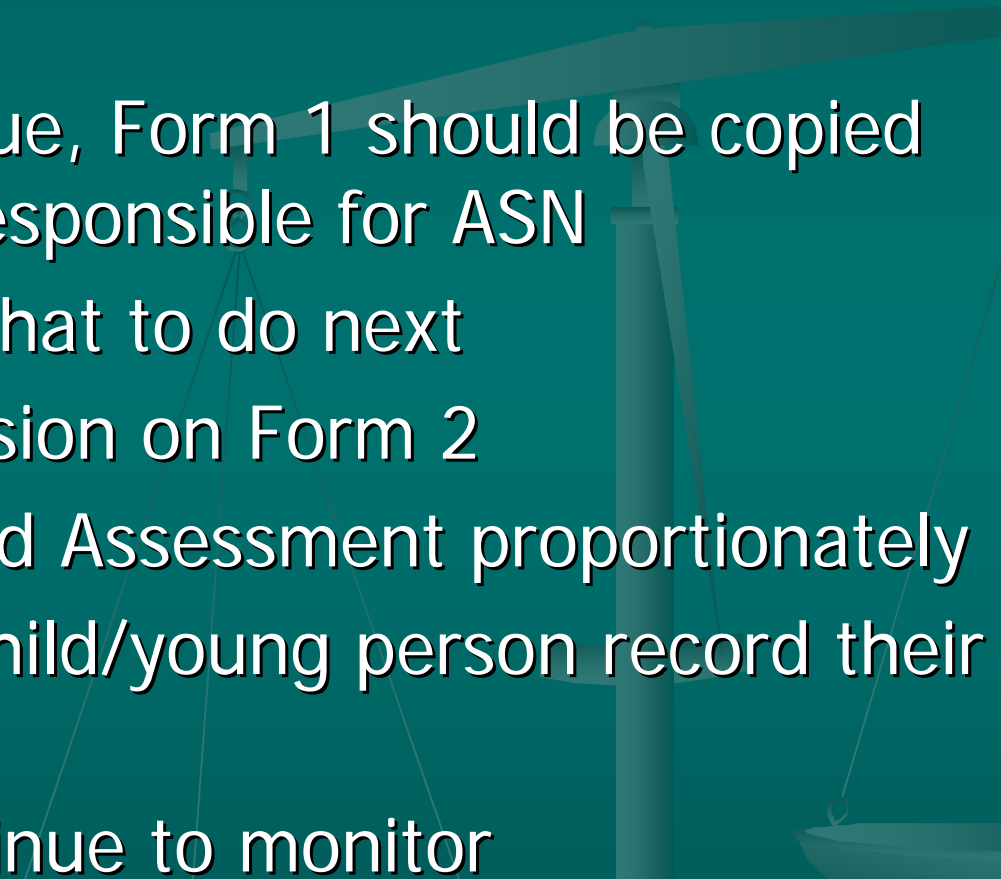
Record concern

Record strategies employed, along with timescale and success level.

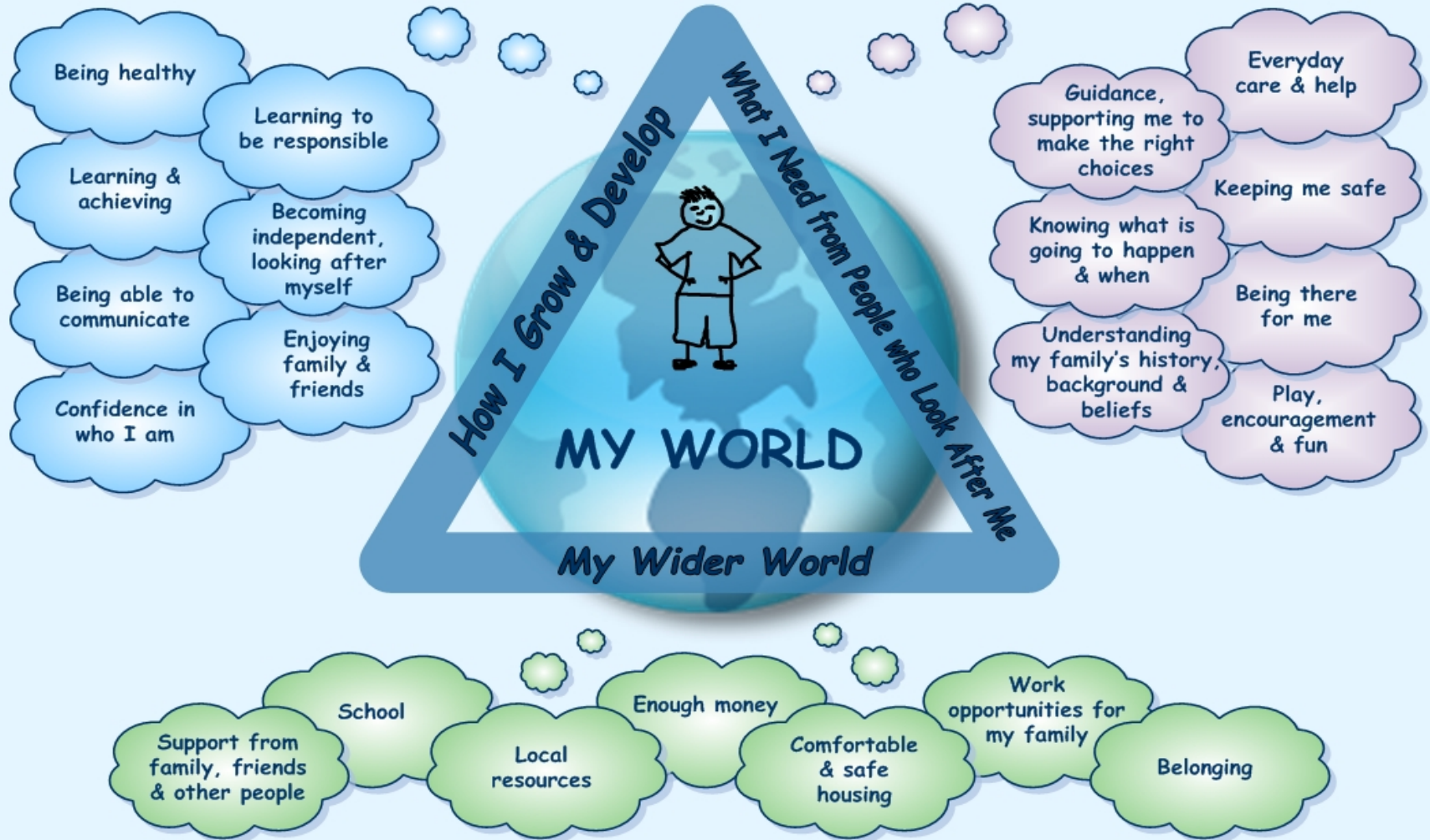
Discuss with parents

If no further concerns as strategies successful, continue to monitor.

Staged Approach/GIRFEC

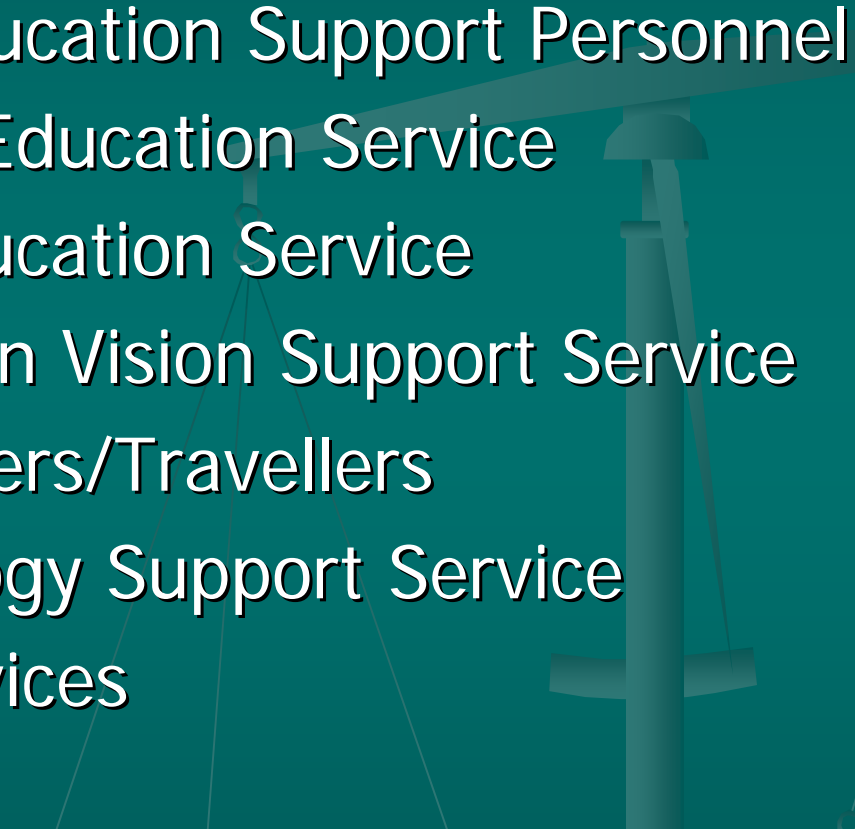
- Stage 2-Form 2
 - If concerns continue, Form 1 should be copied to SMT member responsible for ASN
 - Discussion as to what to do next
 - Record this discussion on Form 2
 - Complete My World Assessment proportionately
 - Involve parents, child/young person record their views
 - If successful, continue to monitor
- 

My World Triangle



The whole child or young person: Physical, Social, Educational, Emotional, Spiritual & Psychological development

Staged Approach

- Involving Area Education Support Personnel
 - Autism Outreach Education Service
 - Highland Deaf Education Service
 - Highland Education Vision Support Service
 - Interrupted Learners/Travellers
 - Assistive Technology Support Service
 - Psychological Services
 - Partner agencies
- 

Additional Support for Learning

- **Form 1-initial concern form**
- **Form 2-** Single Agency (Education) Child's Plan moving into multi-agency working where named person takes on the role of Lead Professional.
- **IEP** Single agency Child's Plan or can provide education element in a Multi-agency child's plan.
- **Co-ordinated Support Plan** -statutory document, specific education plan requiring significant input from other appropriate agencies. **Not** a route to additional resource-general entitlement to support whether or not a CSP in place.

Staged Approach

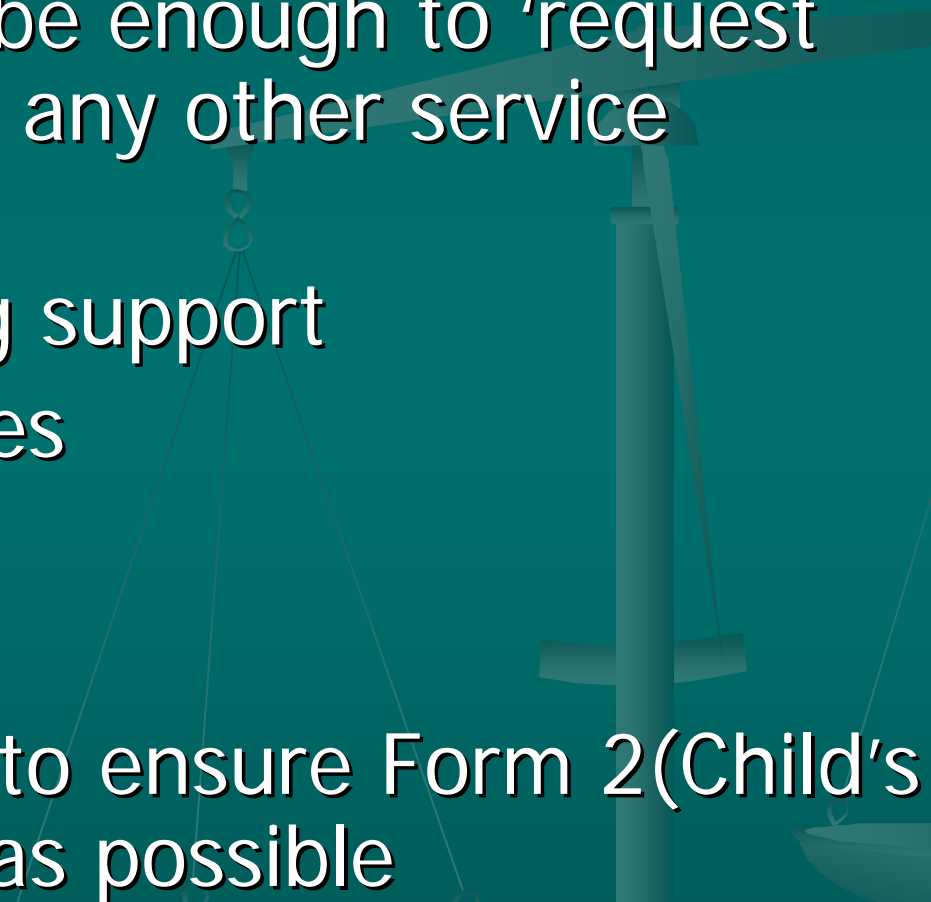
- 2 Way process

It allows for children and young people to return to a previous stage as appropriate.




Staged Approach

- **FORM 2** should be enough to 'request assistance' from any other service provider.
 - Eg Area learning support
 - Specialist services
 - Other agencies

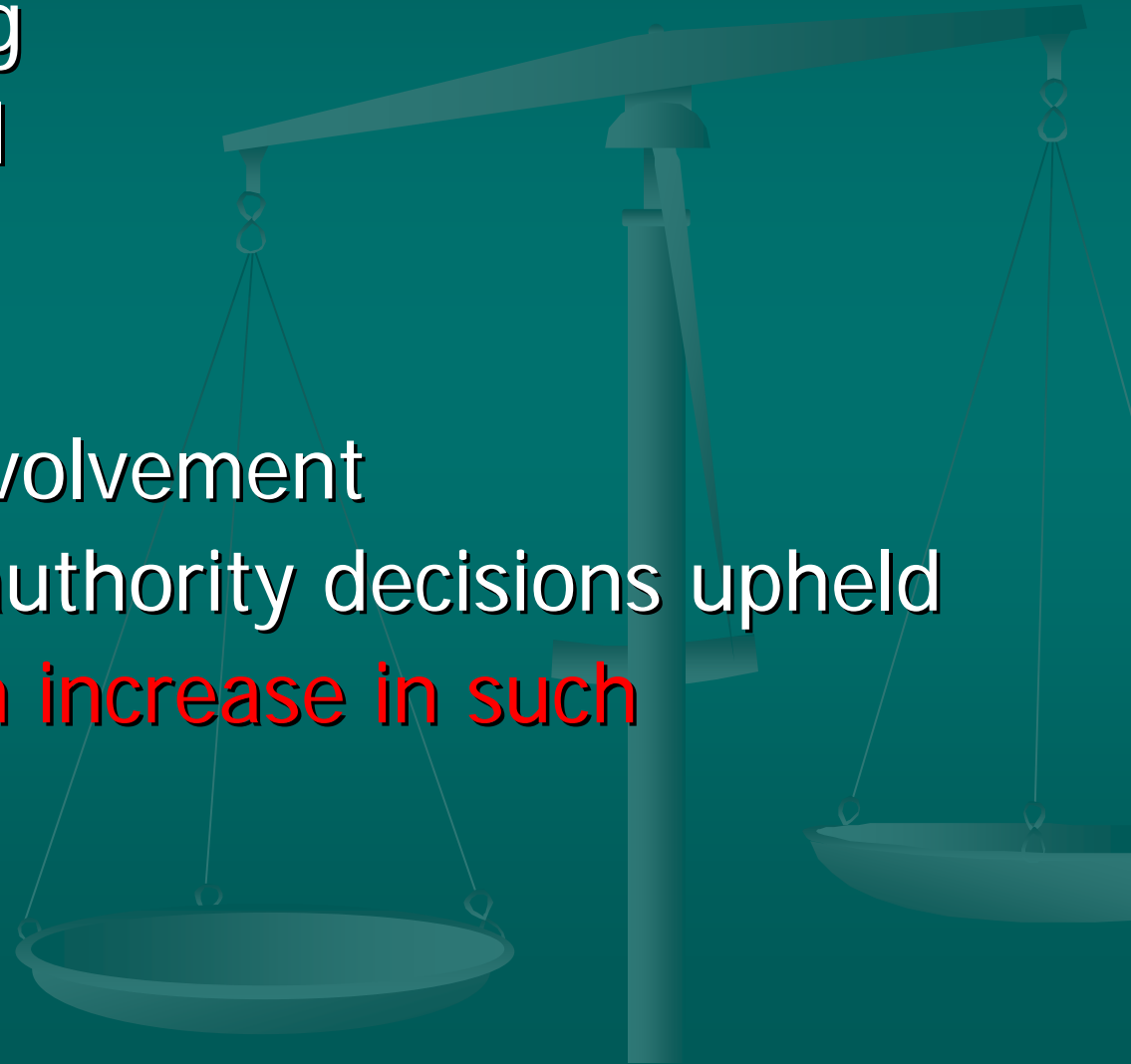
 - Therefore need to ensure Form 2(Child's Plan) as robust as possible
- 

Appeal procedures

- **Local level:**
 - In school
 - Involving Area Education Manager
 - **Authority level:**
 - Involving ASL Co-ordinator/Senior Manager ASN
 - **Third Party**
 - Mediation
 - Dispute Resolution
 - ASN Tribunals
 - Court Of Session
 - Section 70 reference to Scottish Ministers
- 

Reflections on Appeal procedures

- Time consuming
- Can be stressful
- Record keeping
- Evidence trail
- Multi-agency involvement
- ASN Tribunals authority decisions upheld
- **There will be an increase in such procedures.**




Activity

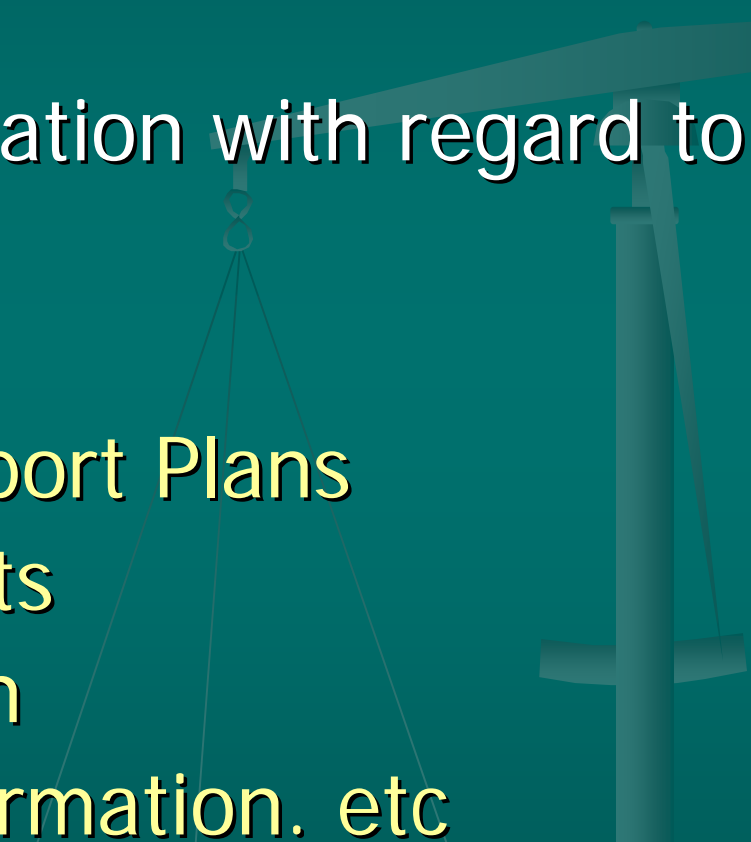
- In groups
- You will need:
- Flipchart paper, pen, scribe
- 2 headings: strengths and areas for development with regard to ASL implementation from 2005 onwards
- 15 minutes



Implementation of 2009 Act

- 16th August initial date-not appropriate
 - Curriculum for Excellence implementation
 - Authorities not in receipt of guidance from government
 - 14th November 2010-implementation date
- 

Additional Support for Learning Act 2009

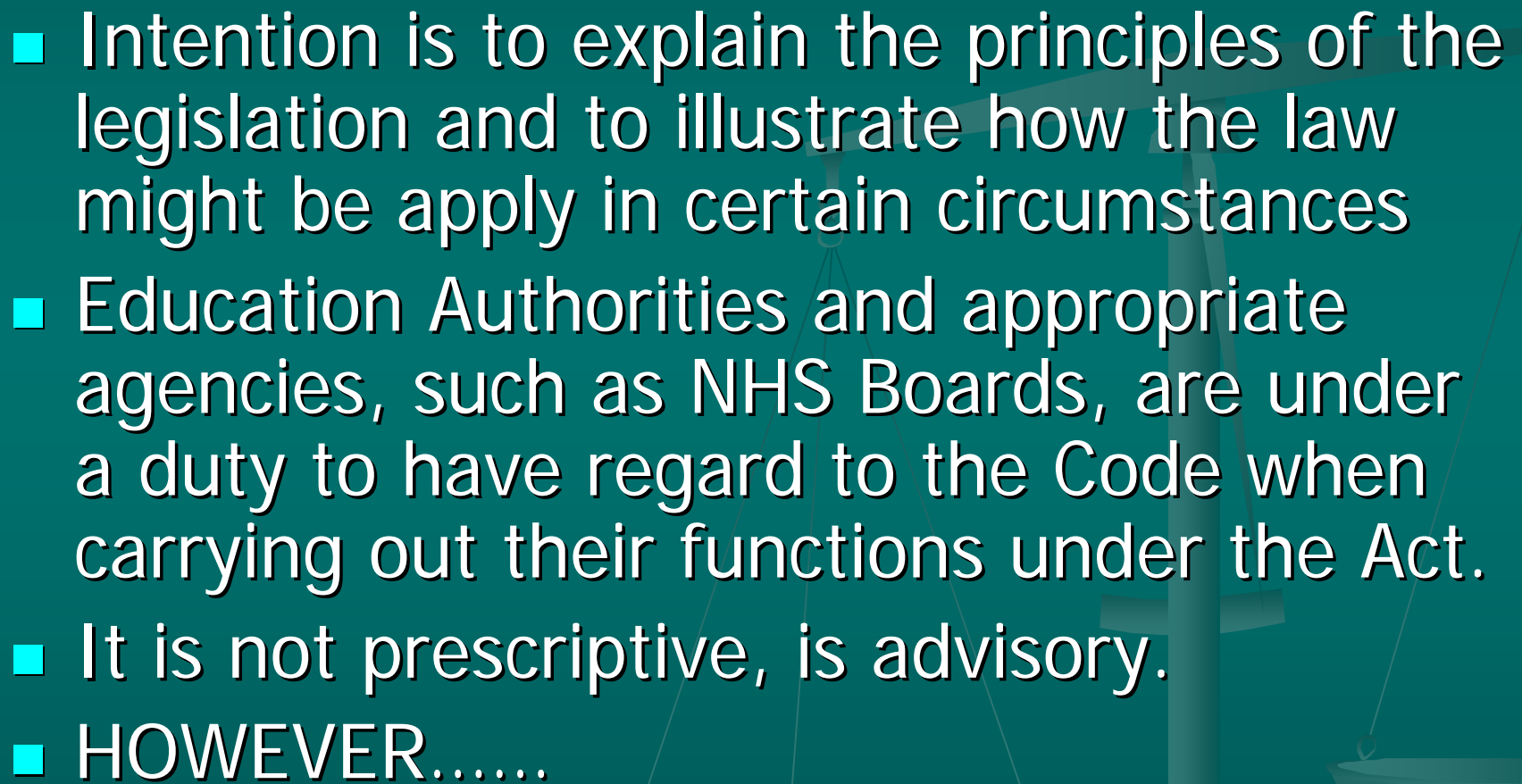
- The Act itself-
 - Secondary legislation with regard to
Transitions
Tribunals
Co-ordinated Support Plans
Placement requests
Dispute Resolution
Publication of information. etc
- 

Additional Support for Learning

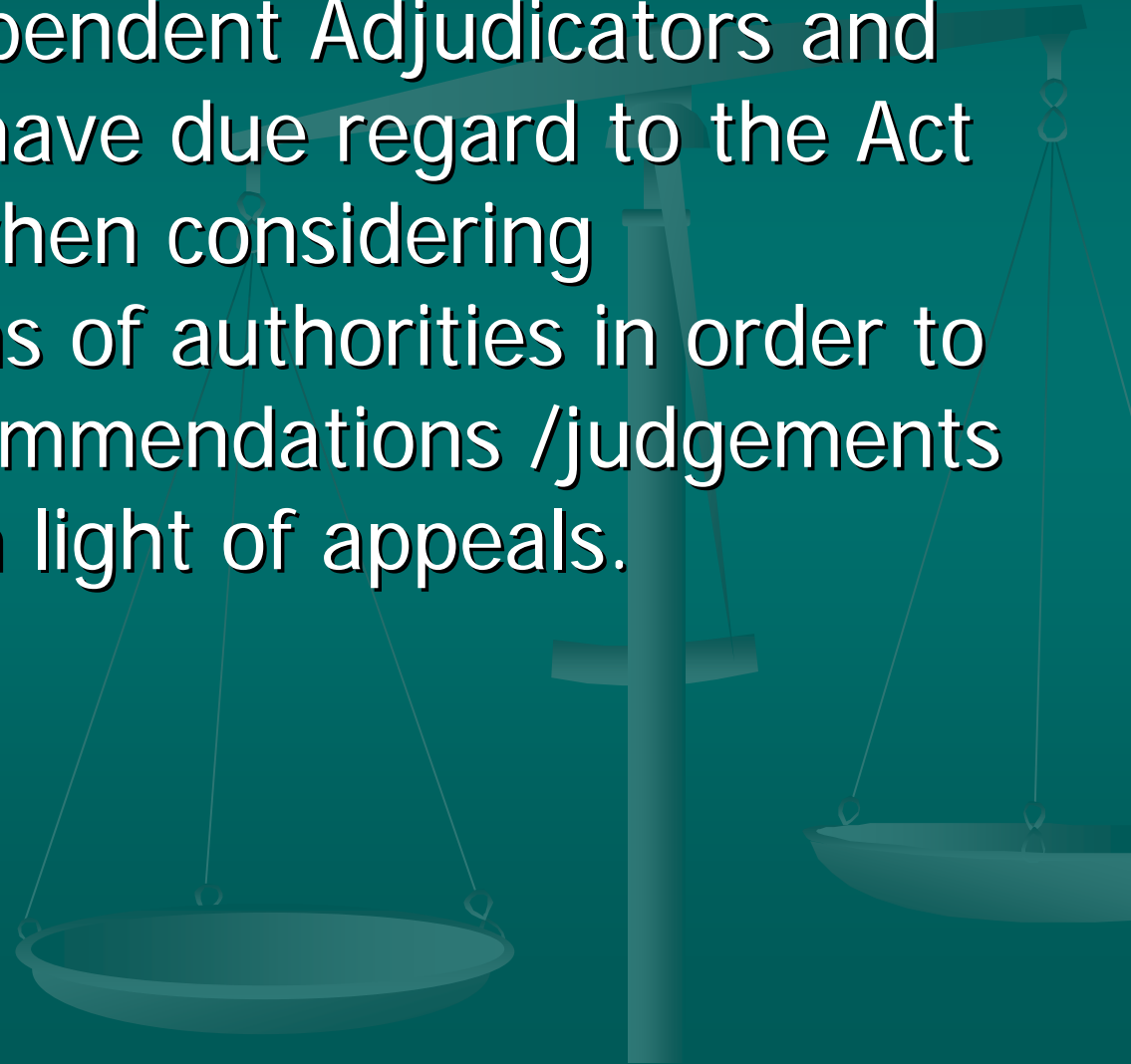
- Code Of Practice
- Initially issued in 2005 updated in 2010 to be more detailed, comprehensive based on experience, consultation and showing more clearly the legislation in action through brief case study examples.

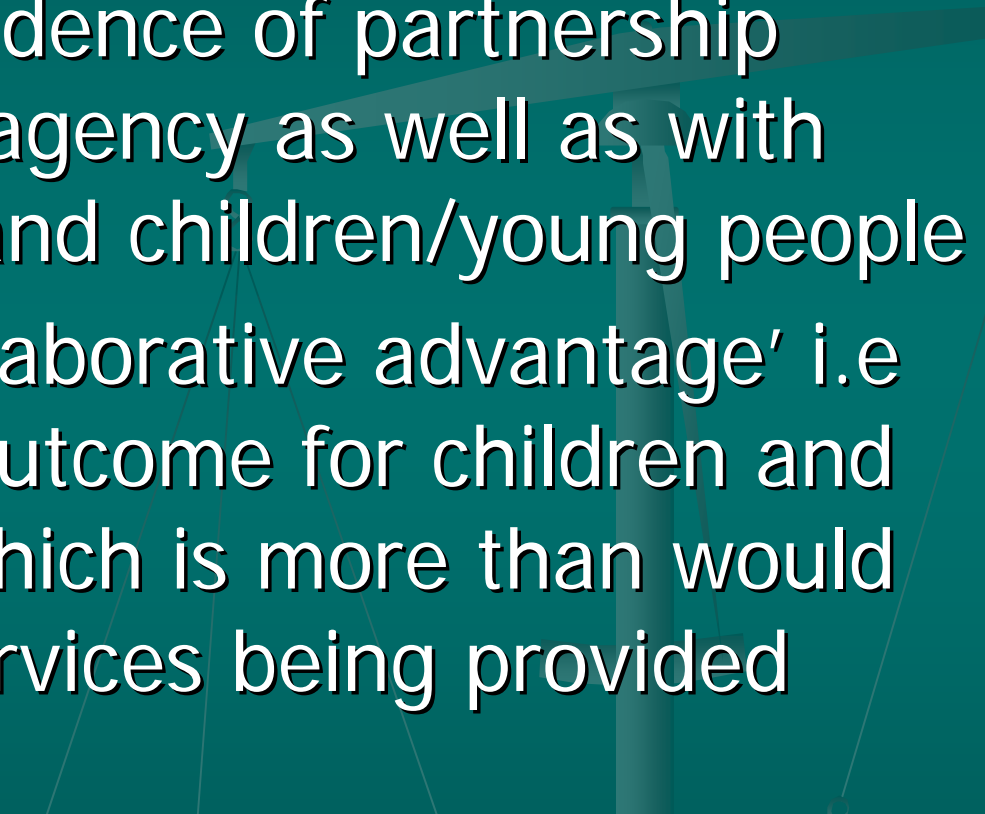
Code can found at :

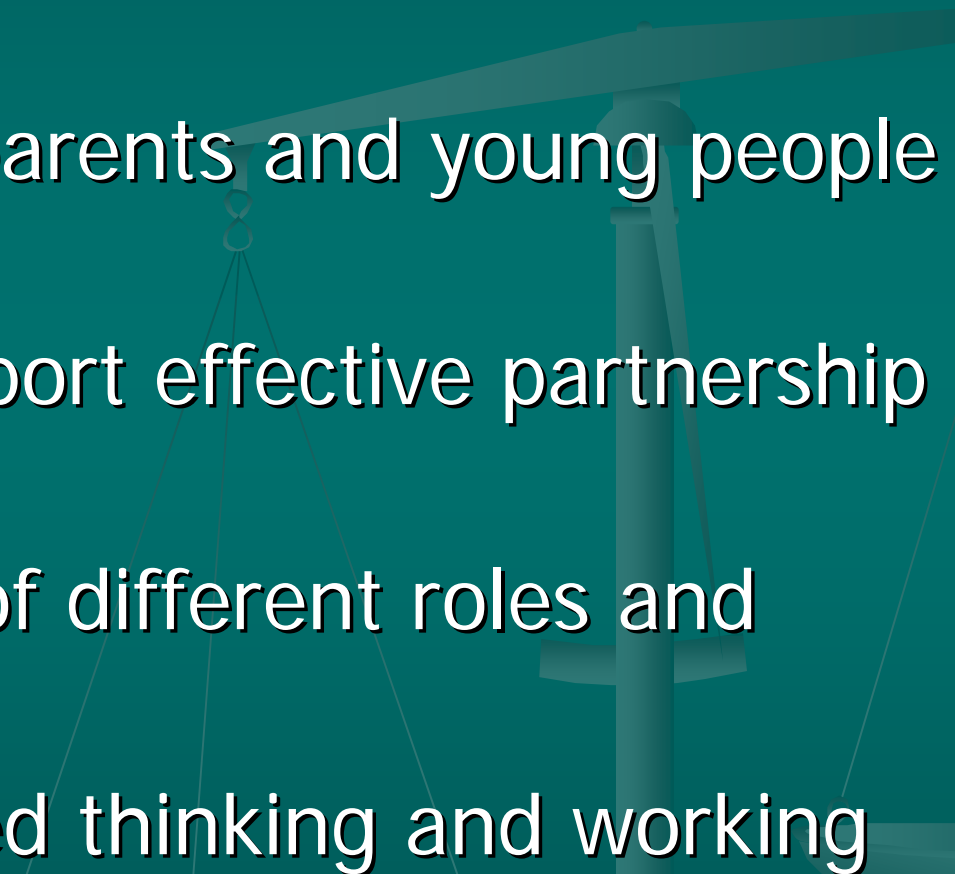
<http://www.scotland.gov.uk/Publications/2010/08/11140218/0>

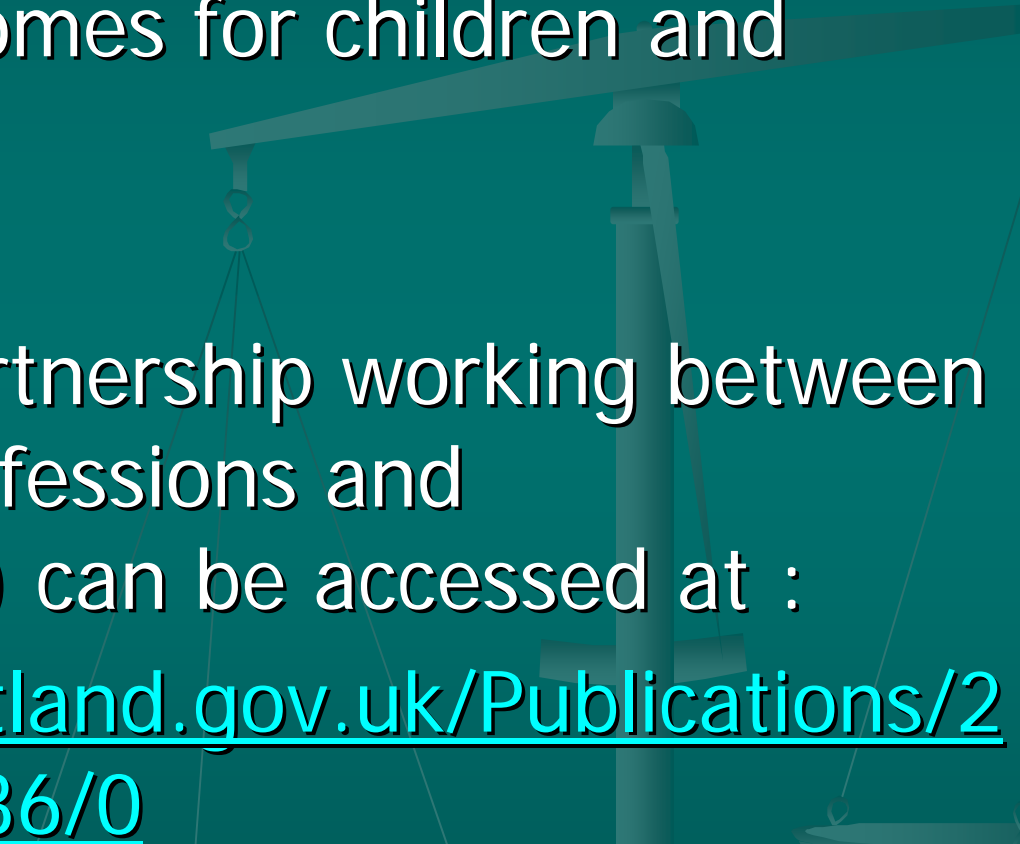
- 
- Intention is to explain the principles of the legislation and to illustrate how the law might be apply in certain circumstances
 - Education Authorities and appropriate agencies, such as NHS Boards, are under a duty to have regard to the Code when carrying out their functions under the Act.
 - It is not prescriptive, is advisory.
 - HOWEVER.....

- Tribunals, Independent Adjudicators and Courts etc will have due regard to the Act and the Code when considering actions/decisions of authorities in order to make their recommendations /judgements as to practice in light of appeals.

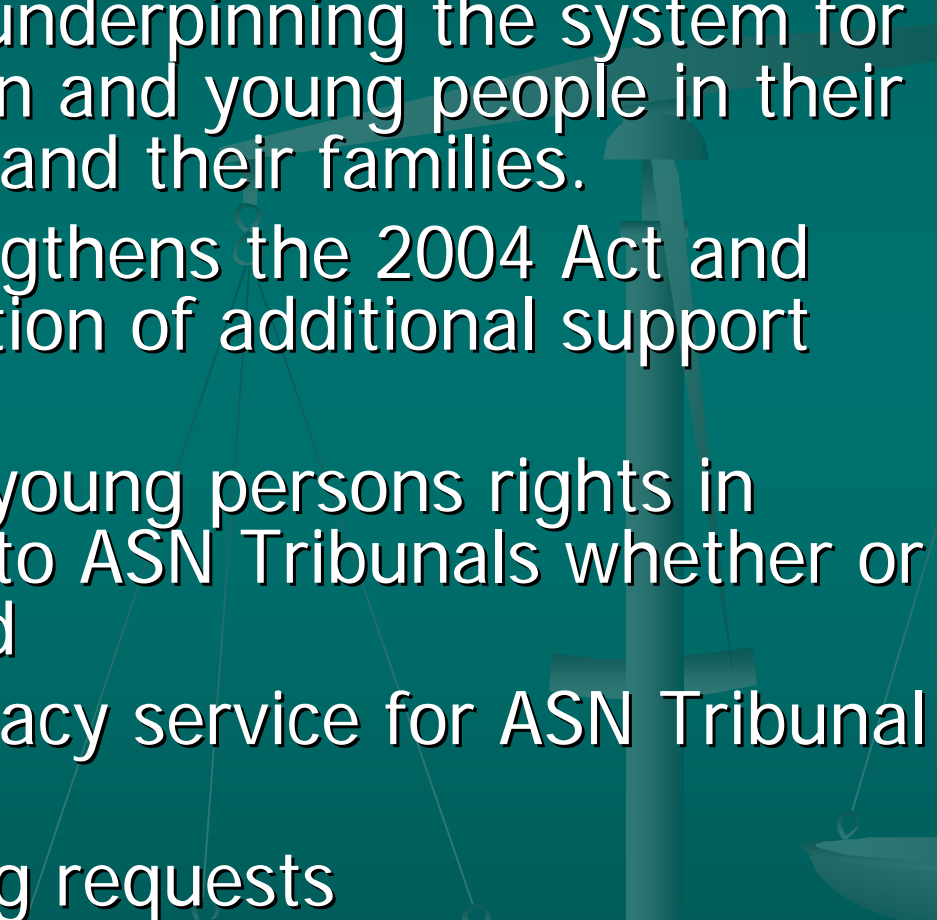


- 
- Emphasis on evidence of partnership working –multi-agency as well as with parents/carers and children/young people
 - Looking for 'Collaborative advantage' i.e an identifiable outcome for children and young people which is more than would be gained by services being provided separately.

- 
- Involving:
 - Engaging with parents and young people as partners
 - Planning to support effective partnership working
 - Understanding of different roles and responsibilities
 - Solution focussed thinking and working

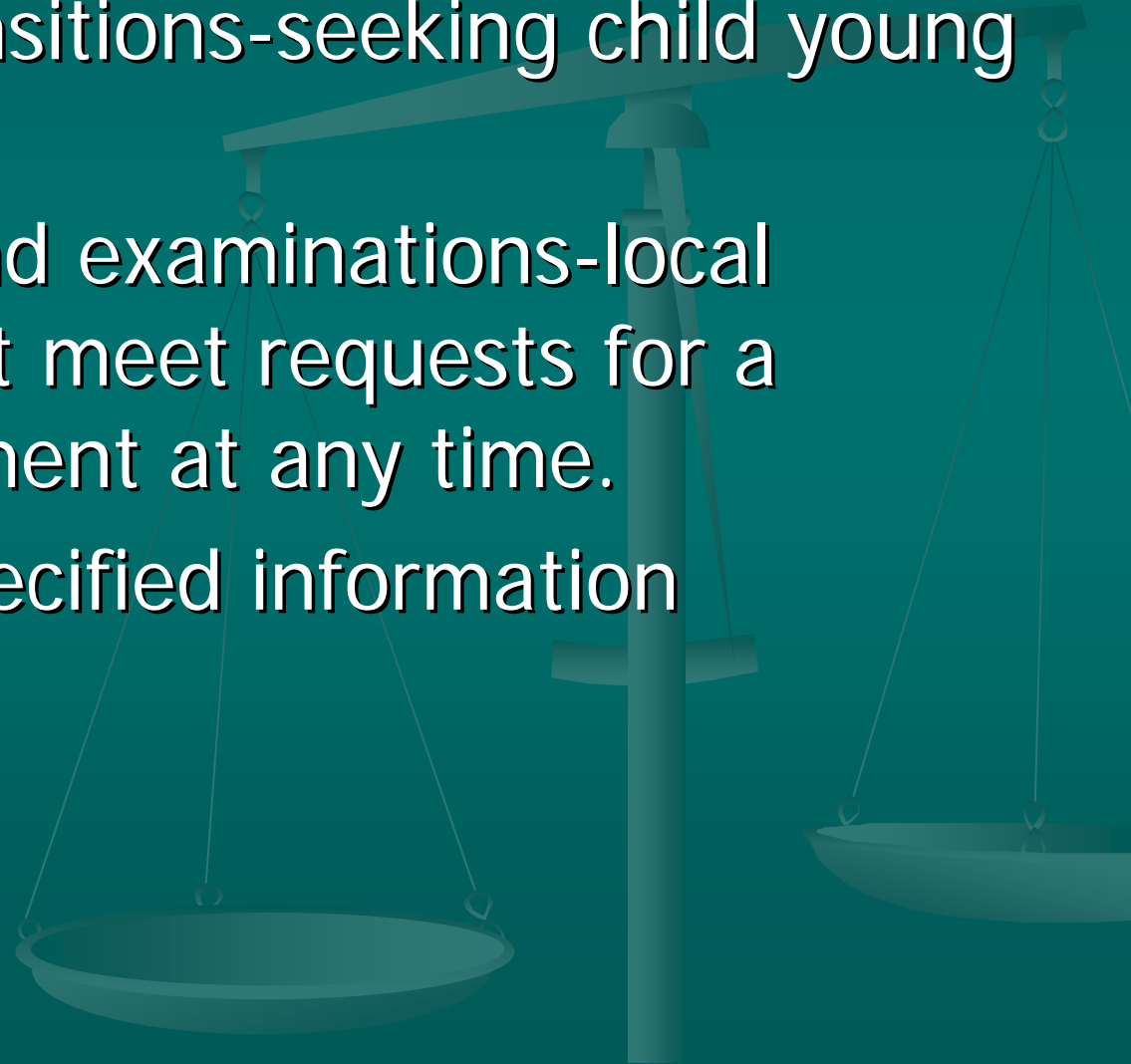
- 
- Improving outcomes for children and young people
 - Guidance on partnership working between allied health professions and education(2010) can be accessed at :
 - <http://www.scotland.gov.uk/Publications/2010/05/27095736/0>

ASL Act 2004 as amended 2009

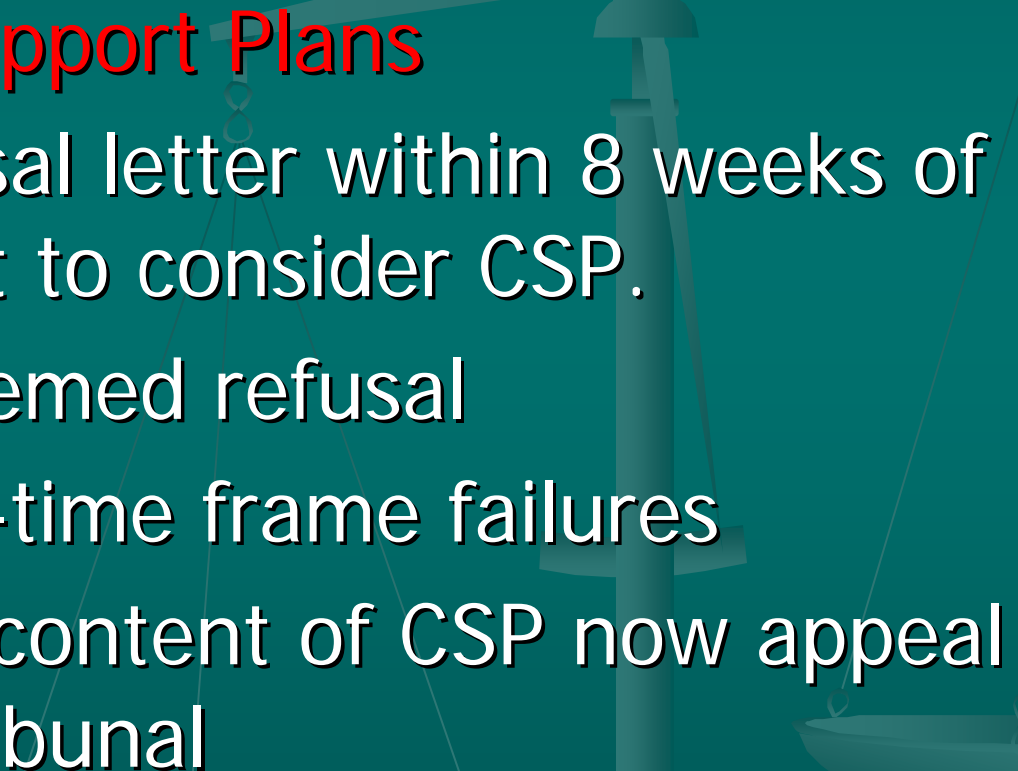
- Legal framework underpinning the system for supporting children and young people in their school education, and their families.
 - Amends and strengthens the 2004 Act and clarifies the definition of additional support needs
 - Increases parent/young persons rights in respect to access to ASN Tribunals whether or not a CSP involved
 - Provides an advocacy service for ASN Tribunal attendance
 - Out of area placing requests
- 

Cont...

- Post school transitions-seeking child young person view
- Assessments and examinations-local authorities must meet requests for a specific assessment at any time.
- Collection of specified information

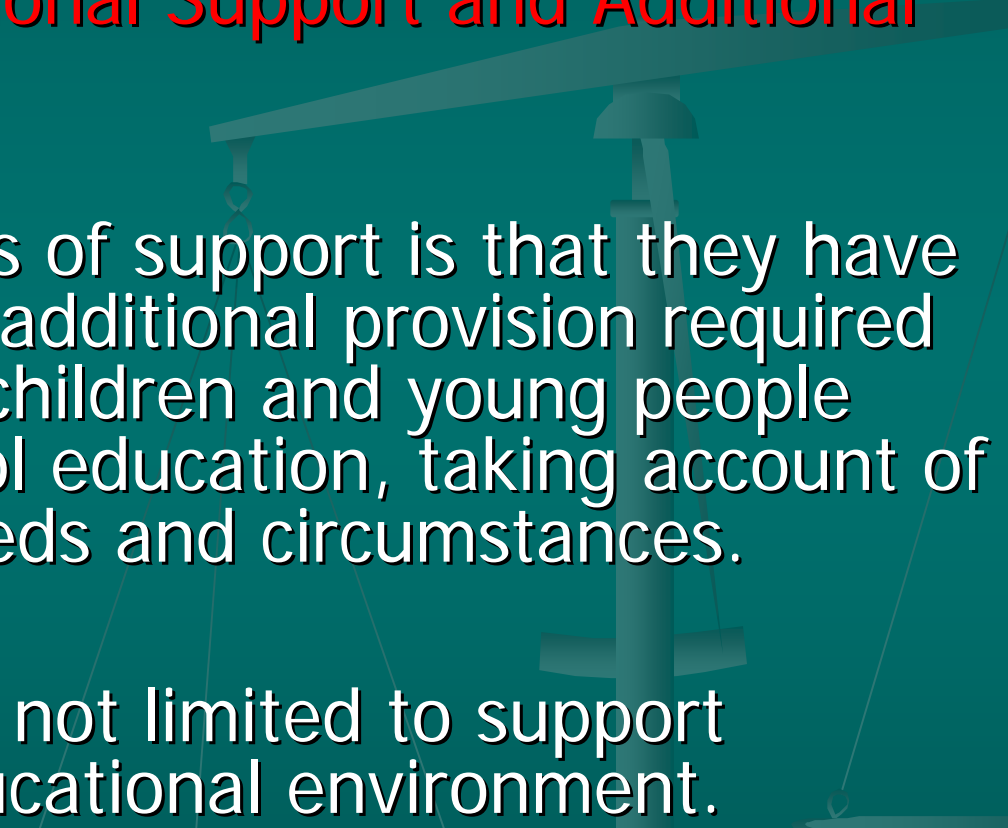


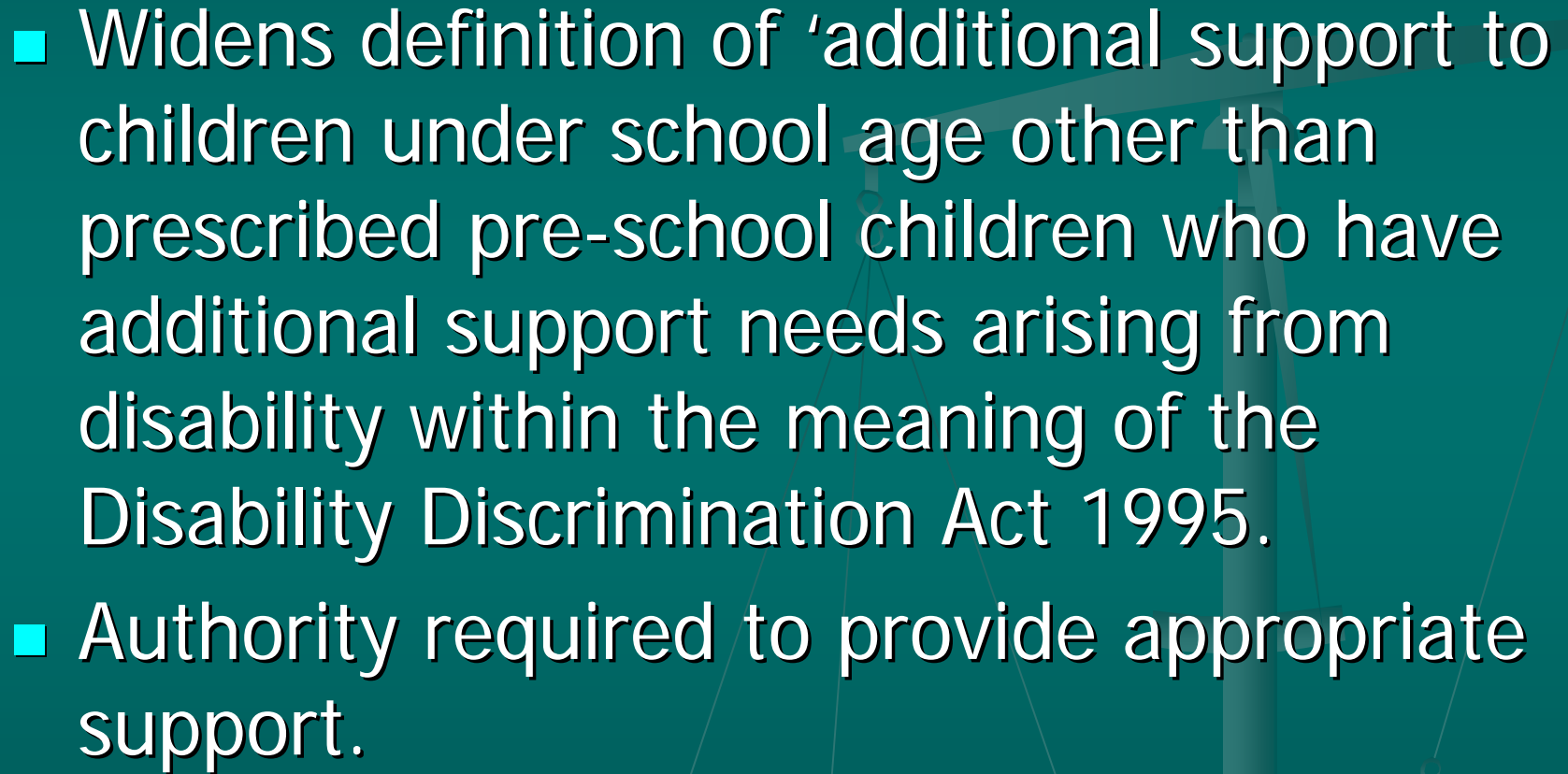
Amendments to the 2004 Act

- **Co-ordinated Support Plans**
 - Notice of Proposal letter within 8 weeks of parental request to consider CSP.
 - No response deemed refusal
 - Convenor alone-time frame failures
 - Non delivery of content of CSP now appeal route to ASN Tribunal
- 

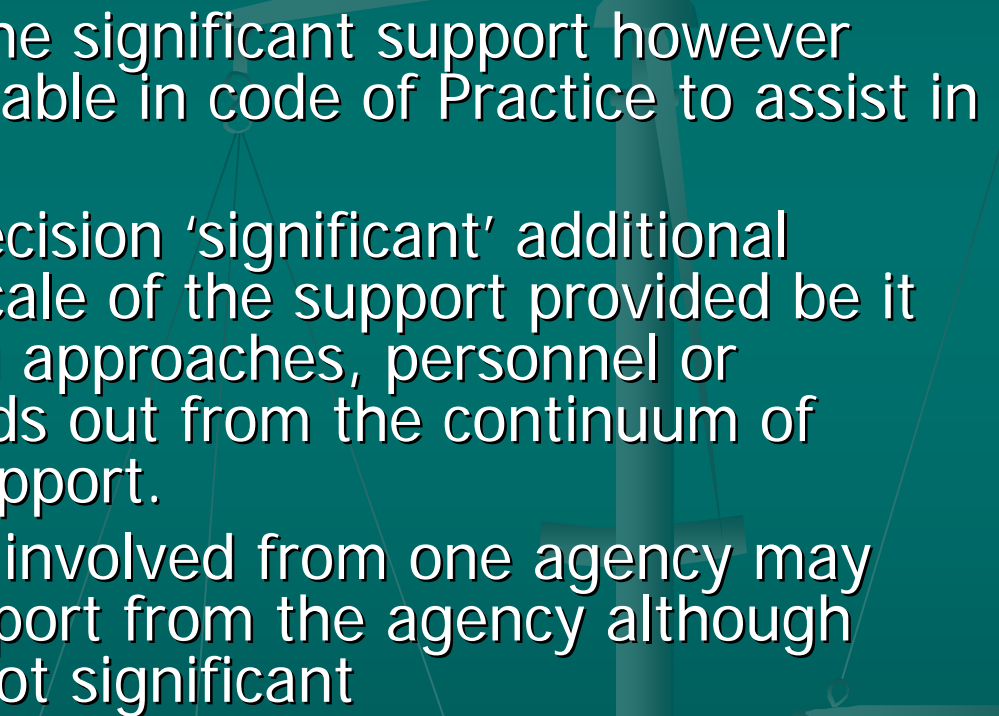
ASL Act 2009

- **LAC /LAAC**
- Automatically deems that all looked after children and young people have additional support needs unless the education authority determine that they do not require additional support in order to benefit from education.
- Also education authority must consider whether each looked after child or young person, from 3 to 17 years , for whose school education they are responsible, who has additional support needs, requires a Co-ordinated Support Plan.

- 
- **Definition of Additional Support and Additional Support Needs.**
 - Central to all forms of support is that they have been identified as additional provision required to help individual children and young people benefit from school education, taking account of their particular needs and circumstances.
 - Additional support not limited to support provided in an educational environment.

- 
- Widens definition of 'additional support to children under school age other than prescribed pre-school children who have additional support needs arising from disability within the meaning of the Disability Discrimination Act 1995.
 - Authority required to provide appropriate support.

■ Significant support

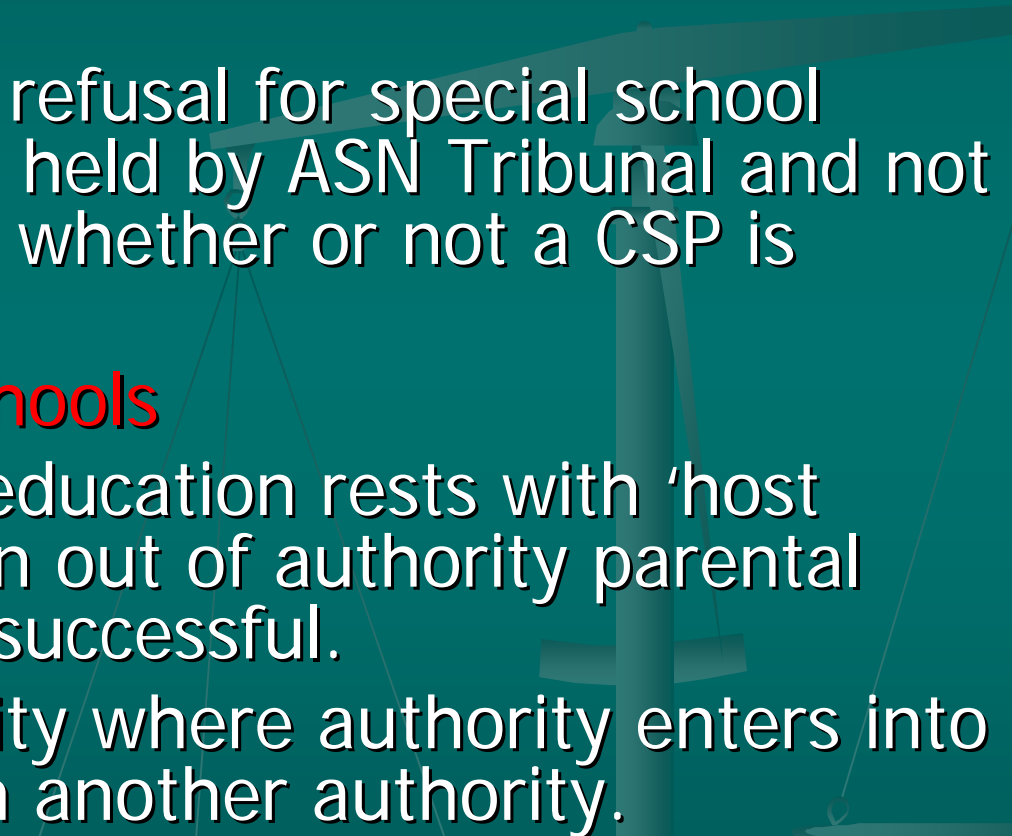
- Act still does not define significant support however more 'evidence ' available in code of Practice to assist in this regard
 - Lord Nimmo Smith decision 'significant' additional support signals the scale of the support provided be it learning and teaching approaches, personnel or resources which stands out from the continuum of possible additional support.
 - Several professionals involved from one agency may define significant support from the agency although individually support not significant
- 

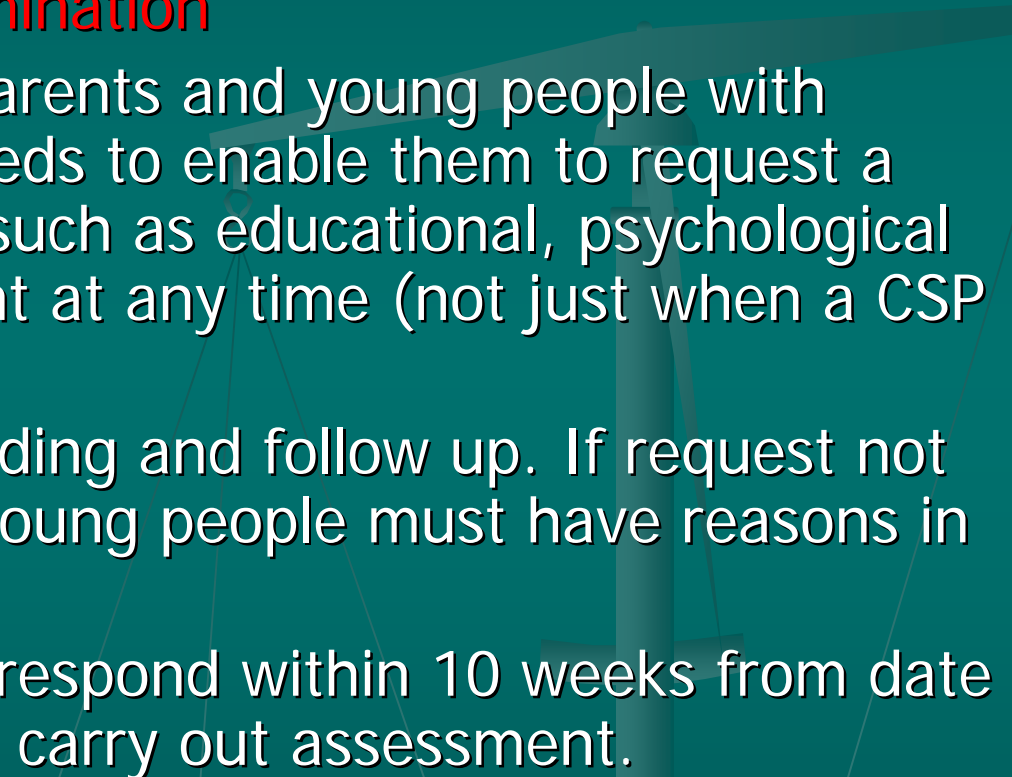


- **Transitions**

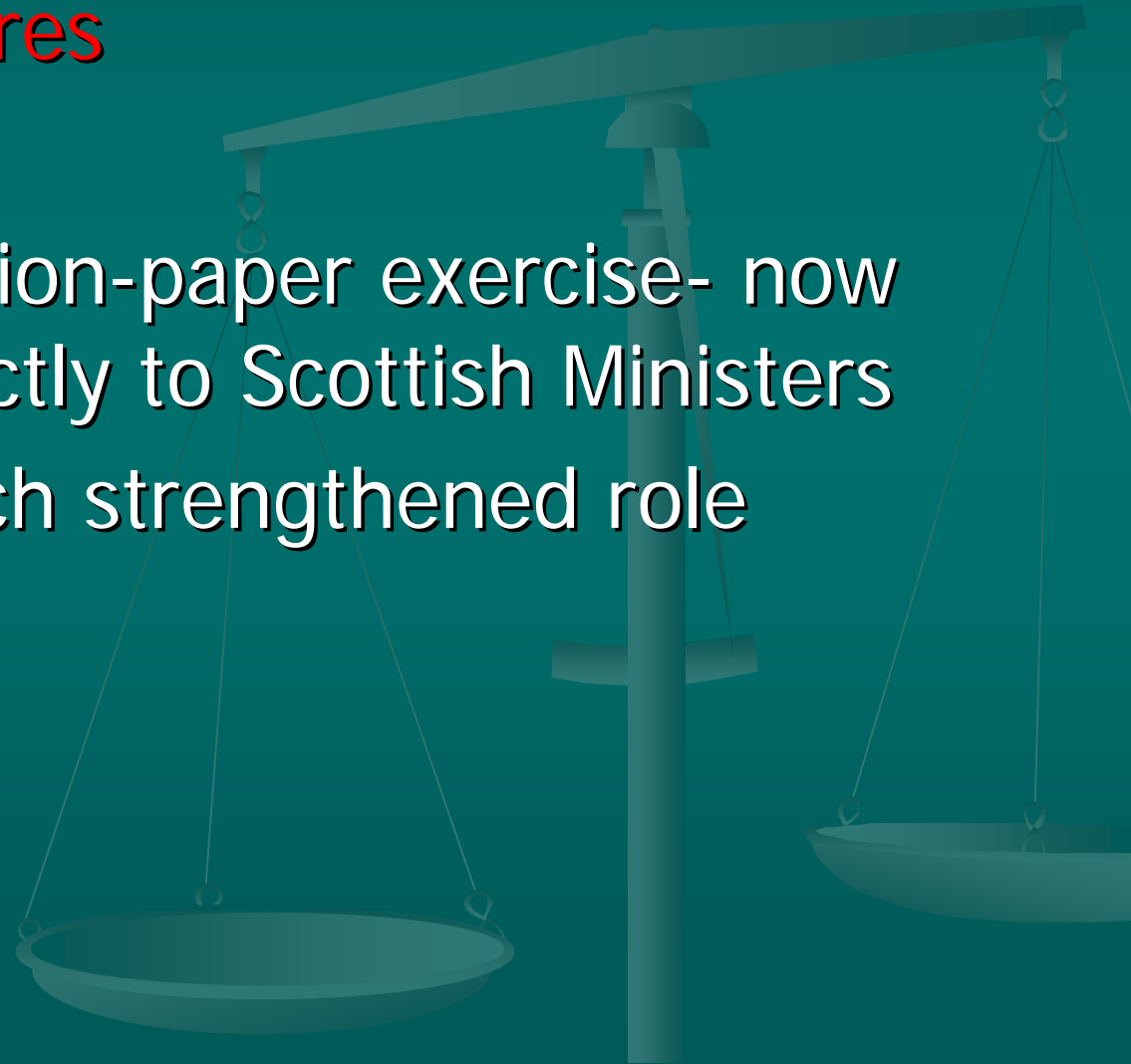
- General duties continue with regard to timescales for planning for transition at any stage.
- Post school transitions highlighted as area of concern in 2009 Act.

Where an authority is seen to be failing in duty to plan post school transition adequately parents/young person have route to ASN Tribunal

- 
- **Placing requests**
 - Appeals regarding refusal for special school placements will be held by ASN Tribunal and not Appeal Committee whether or not a CSP is involved.
 - **Other authority schools**
 - Responsibility for education rests with 'host' authority where an out of authority parental placing request is successful.
 - With home authority where authority enters into arrangements with another authority.

- 
- **Assessment and examination**
 - It extends rights of parents and young people with additional support needs to enable them to request a specific assessment, such as educational, psychological or medical assessment at any time (not just when a CSP is being considered)
 - Need for robust recording and follow up. If request not appropriate parents young people must have reasons in writing.
 - Other agencies must respond within 10 weeks from date of being requested to carry out assessment.

- **Appeal Procedures**
- **Mediation**
- **Dispute** Resolution-paper exercise- now appeals go directly to Scottish Ministers
- **Tribunals** – much strengthened role



Tribunals

Advocacy service available to parents free of charge

Placing requests special schools

Extends types of references to Tribunal to include failure to deliver support outlined in CSP

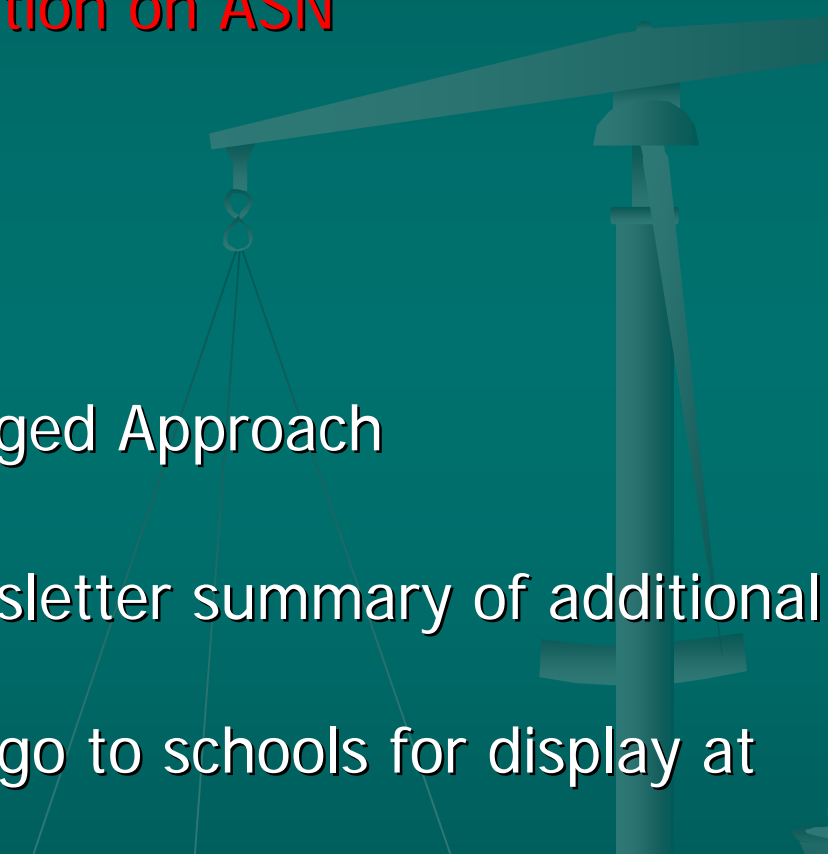
New role with regard to Disability claims in education

Power to require ed authority to take action re CSP content including timescale

President has power to require authority to provide information about implementation of an ASN Tribunal decision

Power to refer to Scottish ministers if satisfied that an authority is not complying

Power to review ASN tribunal decisions.

- 
- **Availability of information on ASN**
 - Website
 - CHIP+ Guides
 - Information leaflets
 - ASL Policy-updated
 - Guidance-GIRFEC staged Approach
 - CHiP+ newsletter
 - School websites, newsletter summary of additional support legislation
 - Information ready to go to schools for display at reception.

Contact

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- Additional Support for Learning Co-ordinator
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- Tel. 01463 701326 or team 01463 701345

