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

RIGHTS FOR PARENTS, CHILDREN & YOUNG PEOPLE

The Education (Additional Support for Learning) (Scotland) Act 2004 which came in to force on 14th November 2005 introduced new rights for parents and young people. The 2009 amendments have strengthened and widened these rights.

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*".

The term 'young person' is a person over school age (generally over 16 yrs) who is not yet 18 years old.

Children have the right to have their views listened to and recorded.

Parents have rights (and young people have these rights on their own behalf) to:

- request an assessment of the child or young person's additional support needs
- request, through the Area Education, Culture & Sport Manager, that the Education Authority find out whether their child or they themselves (in the case of a young person) have Additional Support Needs requiring a Co-ordinated Support Plan
- receive advice and information about their child's support needs
- request a specific type of assessment and/or examination when the education authority is proposing to establish if a child or young person has Additional Support Needs and also under the Education (Additional Support for Learning)(Scotland) Acts 2004 and 2009
- request the use of independent third party services to help if there is a disagreement
 1. Mediation
 2. Dispute Resolution
 3. Additional Support Needs Tribunal(see Information Sheet 10 for further information on these services)
- make a placing request to an independent school if their child has Additional Support Needs
- be informed of the outcome of requests under the Act and the reasons why a request is refused
- to have a decision reviewed or referred to a Tribunal OR
- to have a decision reviewed or referred to the Appeal Committee or Additional Support Needs Tribunal when appropriate, where it concerns a placing request.
- request the Education Authority to find out whether their child requires a Co-ordinated Support Plan

- request the Education Authority to review an existing plan
- to be asked for their views and have them taken into account **and** have them noted in the Co-ordinated Support Plan
- receive a copy of the Co-ordinated Support Plan
- have a supporter or advocate with them to present their case at any meeting with the school or education authority, in connection with the exercise of the education authority's functions under the Act and at tribunal hearings.

USEFUL CONTACTS:

CHIP+ can provide information and support:

Tel: 01463 711189 info@chipplus.org.uk

Highland Carers Advocacy can provide advocates for parents:

Tel: 01463 723567 carersadvocacy@hccf.org.uk

Advocacy Highland can provide advocacy for young people:

Tel: 01463 233460 info@advocacy-highland.org.uk

Children 1st Independent Mediation is a way of resolving disputes using a trained mediator:

Tel: 01381 620757 killen@children1st.org.uk

Additional Support Needs Tribunals for Scotland:

Helpline: 0845 120 2906 (Monday - Friday; between 9.00 am - 4.00 pm)

ASN Team, Morven House, Raigmore Hospital, Inverness, IV2 3UJ. Tel: 01463 701345

ASL Co-ordinator: Barrie Forbes Email: Barrie.Forbes@highland.gov.uk

AREA EDUCATION, CULTURE & SPORT MANAGERS IN HIGHLAND

INVERNESS, NAIRN, BADENOCH & STRATHSPEY:

Area Manager, 13 Ardross Street, Inverness, IV3 5NS.

Tel: 01463 663800 Fax: 01463 663809

CAITHNESS, SUTHERLAND, EASTER ROSS:

Area Manager, Drummie, Golspie, KW10 6TA

Tel: 01408 635338 Fax: 01408 634041

MID, WEST ROSS, SKYE & LOCHABER:

Area Manager, Castle Street, Dingwall, IV15 9HU.

Tel: 01349 863441 Fax: 01349 863994