

THE HIGHLAND COUNCIL and NHS HIGHLAND
Integrated Children's Services

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Additional Support For Learning Act Policy Guidance

This policy provides guidance for those professionally involved in the identifying, planning and supporting procedures for children and young people in the Highland Council Area who may have Additional Support Needs, which impact on their education.

It was developed in response to the Education(Additional Support for Learning)(Scotland) Act 2004, and the accompanying regulations and code of practice Supporting Children's Learning, to ensure that professionals had access to clear guidelines to support their involvement in planning for children and young people with Additional Support Needs. It aims to ensure that children and young people in Highland are provided with the necessary support framework to help them work towards achieving their potential. It is underpinned by the principles of For Highland's Children 2 which sets out our plans for Integrated Children's Services so that children and young people in Highland have the necessary supports and opportunities to be safe, nurtured, healthy, achieving, active, responsible and respected, and included.

The Education Authority, Highland Council, has liaised closely with Social Work, NHS Highland and Other Appropriate Agencies in the drawing up of this policy. The Highland Council has also worked closely and reached agreement with voluntary agencies of CHIP+ and Children 1st who will provide specific services required by the Act.

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1. Background

- 1.1 In April 2004 the Education (Additional Support for Learning)(Scotland) Act was passed by the Scottish Parliament. The commencement date is November 14th 2005.

It brings about changes to modernise and improve systems for identifying and addressing the needs of **ALL** children and young people who may face a barrier to learning and need additional support.

- 1.2 The Scottish Executive has prepared a Code of Practice entitled 'Supporting Children's Learning' to accompany the Act. It gives guidance on the new duties on education authorities and other agencies to support children and young people's learning. The performance of The Highland Council and other appropriate agencies will be monitored by HMIe, SEED, and the new Independent Additional Support Needs Tribunals, by reference to this Code of Practice.

- 1.3 The framework introduced by the Act is based on the idea of **Additional Support Needs**.

This '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.'

- 1.4 The Act confers functions and imposes duties on the Education Authority in connection with the provision of school and pre-school education for children and young people with Additional Support Needs in their area for whose education they are responsible. It promotes collaborative working among all statutory and voluntary agencies supporting children and young people towards achieving their potential

- 1.5 The Act has a much wider impact than education and has significant implications for service providers working in the health and social work sectors and Other Appropriate Agencies. Other Appropriate Agencies are specified in the 2004 Act as being any other local authority, any NHS Board, Careers Scotland, Further Education Colleges and Higher Education Institutions.

- 1.6 The Act introduces new rights for parents and young people with regard to each individual child's or young person's Additional Support Needs. Young people have the same rights as parents under this new legislation. It emphasises the good practice of parents and young people being important collaborators in their child's or their own education.(See section 5 for detail)

- 1.7 The Act repeals the provisions of the legislation (Education Scotland Act 1981) which introduced the Special Educational Needs and Record of Needs systems and introduces instead the term Additional Support Needs and a new planning document the Co-ordinated Support Plan. The duties introduced by the 2004 Act are much wider than those which previously existed. The Local

Authority has the responsibility and duty to provide additional support when it is appropriate for those children and young people for whom it is responsible. The new legislation makes provision for safeguards to be put in place for those children and young people who have a Record of Needs and details strict transitional arrangements which must be put in place.

- 1.8 All children and young people need support to help them learn. The main sources of support in pre-school provision and schools are the staff who, through their normal practice, are able to meet the diverse range of needs. With good quality teaching and learning and appropriate curricula most children and young people are able to benefit appropriately from education without the need for additional support.
- 1.9 It is expected that the support needs of most children and young people can and will be met through the internal assessment and planning processes and the supports available in schools and from the education support services available to schools. Some examples would be accessing advice from Area Support for Learning Team Leaders (ASLTL), Educational Psychologists and the Autism Outreach Service. Some children and young people with Additional Support Needs may require support from other agencies in addition to Education. Some examples would be accessing service from Community Paediatrician, Social work or perhaps a voluntary agency. Some children and young people will have their needs best met through discussion, planning and action through the liaison group.
- 1.10 There will however be a small group of children and young people who have significant additional support needs arising from complex or multiple factors which require a high degree of co-ordinated support from the Education Authority and other agencies and may require a Co-ordinated Support Plan (CSP).
- 1.11 This policy and guidance is underpinned by the staged approach to assessing, identifying and making provision for additional support as outlined in the Support for Learners Policy(Highland Council) and the Code of Practice 'Supporting Children's Learning'. It emphasises the need for effective planning, building on and sharing good practice, in order to best support the children and young people for whose education the Education Authority is responsible. This will provide opportunities and experiences for them to be able to achieve better outcomes.
- 1.12 Further information with regard to Education, Culture and Sport (ECS) Policy and Practice can be found on the Highland Council website www.highland.gov.uk, then select A-Z Directory of services, click on S and select Support for Learners.

2. What do the terms ‘Additional Support Needs’ and ‘Additional Support’?

2.1 Additional Support Needs

This term applies to ‘... children and young people who, for whatever reason, require additional support, long or short term, in order to help them make the most of their school education.’ (Code of Practice, Supporting Children’s Learning 2004)

2.2 Children and young people may require additional support for a variety of reasons. These fall in to four overlapping themes: learning environment; family circumstance; disability and health; and finally social and emotional factors .These may include those who have:

- motor or sensory impairments
- are being bullied
- are particularly able or talented
- are looked after
- are living with parents who are abusing substances
- are living with parents who have mental health problems
- have English as a second language
- are not attending school regularly
- have social, emotional and /or behavioural difficulties
- are on the child protection register
- are young carers
- are pregnant teenagers
- are bereaved
- have mental health difficulties
- have within child difficulties eg specific or general learning difficulties, language or communication difficulties, sensory impairment.

This list is not exhaustive and gives examples of the broad group of children and young people who may have Additional Support Needs.

2.3 The factors which give rise to Additional Support Needs are wide and varied because they relate to the individual circumstances of individual children. The same factor may have a different impact on different children or young people. In some it may make a marked difference to their resilience and ability to benefit from education in others it may have a minimal impact.

2.4 A need for additional support does not imply that a child or young person lacks abilities or skills

2.5 It is good practice to provide support in as unobtrusive a way as possible so that the child or young person does not feel singled out as most are keen to be seen as no different to their peers.

2.6 Throughout, it is essential to view the child or young person as an individual and to tailor support to meet his/her individual needs.

2.7 Additional Support

All children and young people will benefit from school education in which they can access a curriculum which supports and encourages their learning and personal development; where teaching and support from others meet their needs; where they can learn with, and from, their peers; and when their learning is supported by their parents/carers at home and in the wider community. A difficulty or particular need in one or more of these areas may lead to a requirement for additional support to be put in place to enable the child or young person to benefit from school education.

2.8 All children and young people need support to help them learn. The main sources of support in pre-school provision and schools are the staff who, through their normal practice, are able to meet a diverse range of needs. With good quality teaching and learning and an appropriate curriculum most children and young people are able to benefit appropriately from education without the need for additional support.

2.9 Some children or young people require support which is additional to, or otherwise different from, the educational provision that is generally provided to their peers in order to help them benefit from school education. This support is specific to the needs of the child or young person taking account of their particular needs and circumstances. This is to support the holistic needs of the child which are impacting on his/her education not just to support his/her educational needs.

2.10 Examples of additional support for children and young people include:

- Support for learning auxiliary supporting a child with a mobility difficulty
- Tutorial support from a support for learning teacher to help with a reading difficulty
- A particular approach to learning and teaching used with children and young people with autistic spectrum disorders
- A more able child at the later stages of primary school receiving support to access the secondary curriculum

2.11 Some children and young people will require extra support from agencies other than education services to help them make progress. These forms of additional support may include the following:

- Counselling provided by a voluntary agency for a child coping with bereavement

- The deployment of personnel from within the school and education authority as well as from other agencies
- A communication programme drawn up by a speech and language therapist and teacher, for implementation in the classroom
- Psychiatric support for a child with mental health difficulties
- Planned outdoor activities to build self esteem
- Support where English is a second language
- Family support workers supporting specific needs at home eg Homestart
- Supported work experience placements
- Respite provision
- Joint full-time plan which is jointly delivered by the education authority and further or higher education providers eg, College.

In most cases these additional supports can be set up through the normal and robust planning processes which schools co-ordinate including IEP procedures, Liaison Group action plans and Care Planning processes which monitor and review the child or young person's needs .

3 The Functions and Duties of the Education Authority with regard to Additional Support Needs.

- 3.1 The 2004 Act lays out a variety of functions and duties for the Education Authority in order to meet the Additional Support Needs of children and young people in our area.
- 3.2 The Education Authority must make arrangements to identify Additional Support Needs of the children and young people for whom they are responsible in schools. This should be done through the Staged Approach to identifying, planning for and meeting the Additional Support Needs of children and young people. Implementing this approach may involve a range of processes from in class, non specific observations to more detailed assessment eg, by the Educational Psychologist, Speech and Language Therapist, etc.
- 3.3 In identifying the Additional Support Needs the Education Authority must make adequate and efficient provision required for **each** child or young person for whose education they are responsible. This also means that the Education Authority could be held in breach of a duty if it fails to make adequate and efficient provision for additional support for a particular **individual** with additional support needs.
- 3.4 The Education Authority must keep under consideration the Additional Support Needs identified and the adequacy of support provided to meet the needs of each child or young person for whose education it is responsible. This duty applies also to children and young people whom the Education Authority have placed outwith the Council's area.
- 3.5 The Education Authority must provide additional support for children in their area, who are under 3, and have been referred by colleagues in NHS Highland, who may be disabled and have additional support needs arising from their disability.
- 3.6 The Education Authority must publish, review and update specific information about their policy and Additional Support Needs arrangements in their area. In Highland this will be done through publishing this policy, keeping the Support for Learning website updated and through publishing and dissemination of information through CHIP+, which is the first point of contact for parents and young people should they require advice or assistance with regard to the 2004 Act.
- 3.7 Should the Additional Support Needs of a child or young person require a Co-ordinated Support Plan this must be provided and regularly reviewed.
- 3.8 Arrangements must be in place for resolving disputes. If there is a disagreement it is important to try to resolve this at a local level where possible eg with the teacher and parent. If this is not possible it may be necessary to consider utilising other processes in a staged way to reach

agreement. This may involve further discussion within school, for example involving the headteacher or a member of the school's senior management team, the Area Education Office, independent mediation or dispute resolution, or as a last resort if required or appropriate, referral to the Additional Support Needs Tribunal.

- 3.9 The Education Authority must provide independent, voluntary and free mediation services for parents/carers, young people and professionals and publish information on these services. The Highland Council has contracted with Children 1st to provide this mediation service. The Highland Council and NHS Highland jointly fund CHIP+ to provide information and support for parents with regard to the Additional Support for Learning (Scotland) Act 2004. CHIP+ is a non-statutory service based at The Birnie Child Development Centre in Inverness. It is the first point of contact for parents and young people should they require advice or help in this matter. Parental information leaflets, websites, telephone and personal support and advocacy are available through this agency. CHIP+ can be contacted by telephone on 01463 711189, by e-mail on chip.birnie@ukgateway.net. CHIP+ website can be found at www.childreninthehighlands.com
- 3.10 The Education Authority must have in place transition arrangements for children and young people with Additional Support Needs as they make their way through the education, eg from Pre-school to Nursery or Partner Centre, from Nursery or Partner Centre to Primary, from Primary to Secondary, from Secondary to post school agencies.(see Transitions Section12)
- 3.11 At times of transition the Education Authority must seek advice and information from appropriate agencies, who may be responsible for supporting the child or young person .This must be **6 months** before a child comes into school, **12 months** before a child or young person leaves school. The Education Authority must also provide to the receiving agencies information concerning the individual child or young person with additional support needs **at least 6 months before the proposed leaving date.**
- NB The date a young person could leave school may not be necessarily the date the child or young person plans to leave.**
- 3.12 This Act also gives the Education Authority the **Power** to help children and young people in their area who have or may have Additional Support Needs, but for whom the Education Authority are not responsible eg Children or young people who are being educated at home or who attend Independent school as arranged by their parents. The Education Authority may give advice about the Additional Support Needs of their child or about co-ordinated support planning if the parents request it, but do not have a duty to do so.
- 3.13 Similarly professionals in grant aided or independent schools can request that the Authority give advice on the Additional Support Needs of a child or young person, if the child or young person's home base is within the Education

Authority's area. The Education Authority does not need to comply with the request but may provide this advice.

- 3.14 The Education Authority can request help from other appropriate agencies as specified in the 2004 Act, namely any other Local Authority, any NHS Board, Careers Scotland, Further Education Colleges and Higher Education Institutions. These agencies must comply unless to do so would be incompatible with their functions.
- 3.15 The Education Authority must respond to the requests of parents and/ or young people to assess and identify their Additional Support Needs unless it is unreasonable to do as requested. For example the Authority may decide not to comply with the request where assessment:
- May not be in the best interests of the child
 - May not be seen as being relevant given the child's 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 timescale, e.g. falling within a short time of a previous request
 - May repeat assessments already carried out

4 What are the Duties and Responsibilities for Other Appropriate Agencies with regard to the Additional Support for Learning (Scotland) Act.

- 4.1 The Act aims 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 collaborative working among those supporting children and young people.
- 4.2 The Act specifies that Other Appropriate Agencies have a duty to help the Education Authority carry out their duties in relation to children and young people who have or may have Additional Support Needs, and their families
- 4.3 Other Appropriate Agencies are specified in the 2004 Act as being any other Local Authority, any NHS Board, Careers Scotland, Further Education Colleges and Higher Education Institutions
- 4.4 The 2004 Act promotes integrated working across agencies, in assessment, intervention, planning, provision and review. The Education Authority must seek and take account of relevant advice from ‘Other Appropriate Agencies’ and others they may think appropriate when establishing whether a child or young person has Additional Support Needs or would require a Co-ordinated Support Plan.
- 4.5 In all assessments, interventions, planning and provision of support, a Staged Approach to this must be followed. It is essential that the least intrusive but most appropriate supports are identified to meet the Additional Support Needs of a child or young person. This may involve direct or indirect involvement from Other Appropriate Agencies eg, an agency may be involved at the liaison group in helping to plan for a child or young person with Additional Support Needs but may not be working directly with the child or their family.
- 4.6 **When the Education Authority requests help from an ‘Other Appropriate Agency’ the agency has a duty to respond within 10 weeks from the date that the request is sent unless:**
- it is incompatible with its own functions or
 - unduly prejudices its carrying out of its functions.

NHS Highland

- 4.7 The Highland Council and NHS Highland have an acknowledged track record of integrated children’s services working.
- 4.8 Within this new legislation, NHS Highland has been given a duty to support the requests from education services for health inputs to support children and young people. NHS Highland is supporting Allied Health Professionals and other health workers in becoming ready to address this duty.

- 4.9 In order to be responsive and clear on their ability to take on this duty NHS Highland are ensuring that services are as efficient and effective as possible and meeting the identified needs of children and young people.
- 4.10 NHS Highland have endorsed the Care Aims Approach which will further enable them to develop AHP and related clinical services that are oriented around the needs of children and young people across Highland in a standardised, quality assured manner, that better support the development of integrated children's services.
- 4.11 NHS Highland must respond within the 10 weeks to a request for help from the Education Authority. NHS Highland has a duty to respond within this time limit so that the requirements of the law set out in the 2004 Act are met and so that that the Additional Support Needs of the child or young person are quickly assessed and appropriate support advised and committed.
- 4.12 There are exceptions to this time limit where for example:
- a) Assessment or examination cannot take place or the results are not available in time
 - b) If there is a failure to attend on the part of the family, child or young person
 - c) If advice or information requested from outside NHS Highland is not provided before the limit ends.
- 4.13 The Education Authority is required to be clear in its request for help in order to enable NHS Highland to respond with specific information. This 'help' could be by undertaking assessments or examinations and reporting the results and implications of these; by giving information based on assessments already done where there is seen to be no need for further assessment; by contributing to planning services to meet the needs of the child or young person and family, or by contributing information which will inform strategic developments.
- 4.14 Support, committed and agreed by NHS Highland and included in the Co-ordinated Support Plan must be given.
- 4.15 NHS Highland will arrange for provision of assessment or examination, subject to the consent of the child and parent, and if the assessment or examination is reasonable in the circumstances. A request for an examination or assessment may not be reasonable if for example; it may:
- not be in the best interests of the child or young person
 - not be seen as relevant to the child or young person's circumstances
 - be unnecessary as there has not been a significant change in the child or young person's circumstances since an earlier assessment was completed
 - be within an inappropriate time scale eg falling within a short time of a previous request
 - be unnecessary as there is already sufficient information

- 4.16 The Education Authority must make the decision to comply with a parental or young person's request for assessment on the grounds of whether it is reasonable or not. The Education Authority must seek the advice of other appropriate agencies such as NHS Highland to make this decision. If it is proposed to refuse a request for assessment the Additional Support for Learning Co-ordinator or the Senior Manager (Additional Support Needs) must be consulted and it may be necessary to take legal advice.
- 4.17 In some cases NHS Highland may bring to the attention of the Education Authority a child who is under 3 years old, and who has additional support needs arising from a disability within the meaning of the Disability Discrimination Act 1995. The referral route for this may be through PRESCAT (Pre-school Assessment Team Meetings), Early Years Liaison Group or Health Planning Meetings. Whichever multi-agency forum is used as the referral route Psychological Services will continue to be the lead service for the authority in bringing the child's needs to the attention of the Area Education Manager and following through the referral from health colleagues. The Authority must then establish whether the child has Additional Support Needs and if necessary consider whether to prepare a Co-ordinated Support Plan.
- 4.18 It is expected that NHS Highland staff, especially Health Visitors, General Practitioners, Allied Health Professionals and Community Paediatricians will be the key professionals who will alert the Education Authority to the pre-school children in their area who have or may have Additional Support Needs and who may require a Co-ordinated Support Plan.
- 4.19 NHS Highland will have an active website which will be accessible to the public and to professionals. It is envisaged that this website will clarify referral routes to facilitate multi agency working by ensuring appropriate information is available to support joint assessment, planning and working.

Careers Scotland, Further Education and Higher Education establishments.

- 4.20 At times of transition collaborative and supportive practice is especially important and is dealt with in more detail in the Transitions section (section 12) of this document.
- 4.21 When the Education Authority is requesting the help of a particular agency it is essential that the request specifies the type of help being requested and the reasons for the request. The request must be based on the Additional Support Needs of the child or young person that are proving a barrier to their learning.
- 4.22 The support that Other Appropriate Agencies provide for children and young people with Additional Support Needs may be direct intervention and/or advice. It may be that discussion with the Education Authority is all that is required, or it may be that more direct intervention is required. For example, a college may provide tasters for children and young people in their lead up to transition eg, Link days at college, Vocational Pathways Courses which allow

young people to attend college, perhaps one day per week, with the remainder of their time in school.

4.23 Careers 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 Careers Scotland keyworker service is especially geared to supporting young people with Additional Support Needs in Highland and will continue to work closely with the Education Authority and other agencies at this time of transition. This service is normally accessed through the Careers Scotland named contact person for the school.

4.24 It is expected that in most circumstances Other Appropriate Agencies will support an Education Authority when asked. However there may be occasions where there is a delay in responding to such requests. This could be for a number of reasons such as:

- The assessment cannot take place within the time limit
- The results of the assessment are not available within the time limit
- The child or young person has failed to keep appointments and therefore the assessment has not been able to take place
- The agency may be awaiting relevant advice or information from another agency which itself has been delayed

In these circumstances the Other Appropriate Agency has a legal duty to contact the Education Authority to detail the reason why the time limit cannot be met and give a revised date for the completion of the assessment. **The revised date must not be later than 16 weeks after the initial request for help from that agency.** The Education Authority has a duty to ensure that parents and children or young people are made aware of this delay and the reasons for it.

4.25 Ongoing discussions should minimise any problems. Effective, regular communication will help prevent difficulties arising. It is of course hoped that such matters can be resolved locally between partners should they arise. It may however be a matter on which the courts will ultimately decide.

5 What are Parental and Young Person's Rights with regard to Additional Support for Learning Act?

- 5.1 In the 2004 Act the term 'parent' includes 'guardian and any person who is liable to maintain or has paternal responsibilities (within the meaning of the Children (Scotland) Act 1995 in relation to, or has care of a child or 'young person'.
- 5.2 The term 'young person' has the meaning as defined under the Education (Scotland) Act 1980 and refers to a person over school age (generally over 16) who is not yet 18 years old.
- 5.3 Under this Act young people have the same rights as parents of children. Parents can only speak for and take decisions for the young person if the young person does not have the capacity to understand. Otherwise a young person can exercise their rights independently of their parents. This differs from previous education legislation.**
- 5.4 Parents and young people on their own behalf, can request 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.
- 5.5 Parents/young people have the right to receive advice and information about their child's/their own Additional Support Needs.
- 5.6 Parents/young people have the right to request a specific type of assessment and/or examination when the Education Authority is proposing to establish if the child or young person has Additional Support Needs or requires a Co-ordinated Support Plan. They do not have the right to specify who carries out the assessment.
- 5.7 Parents/young people can request the use of mediation services. They can make use of dispute resolution arrangements for matters about additional support needs that are not eligible to be considered by the Additional Support Needs Tribunal for Scotland. (See section 14 – 'Partnership Working and When Agreement Cannot be Reached') The Education Authority cannot refuse these requests.
- 5.8 If their child or young person has Additional Support Needs, Parents /young person can make a placing request to an independent special school or another school.

- 5.9 Parents/young people have the right to be informed of the outcomes of requests under the Act, of the reasons why a request has been refused and of any applicable rights to have a decision reviewed or referred to a Tribunal (or Appeal Committee where it relates to a placing request where there is no Co-ordinated Support Plan.)
- 5.10 Parents/young people have the right to request that the Education Authority find out whether a Co-ordinated Support Plan is required or to review an existing plan.
- 5.11 The parents of a child and a young person him/herself have the right to a copy of the Co-ordinated Support Plan
- 5.12 Parents, children and young people must be asked for their views and have them taken into account and noted in the Co-ordinated Support Plan.
- 5.13 Parents/young people have a right to have and are encouraged to have, a supporter or advocate with them to present their case at meetings with the school or Education Authority, in connection with the exercise of the Education Authority's functions under the Act. An advocate in this context is someone who provides advocacy, not a lawyer.

6 What is the Process for Assessing, Identifying and Planning Support for Additional Support Needs?(please refer to pathway at end of this section)

6.1 The Education Authority is required to identify the Additional Support Needs of each child or young person for whom they have responsibility under this Act. These groups are those children and young people who are resident in the Council Area and who:

- Are under three years of age and have been referred to the Education Authority by NHS Highland because they are disabled.
- Are in pre-school or partner centre provision established by or on behalf of the Education Authority
- Are in school education in Highland
- Have been placed by The Highland Council outside Highland and are receiving education there.

6.2 Any person working with the child or young person, including the parent or the child or young person themselves may draw attention to the fact that the child or young person may require Additional Support.

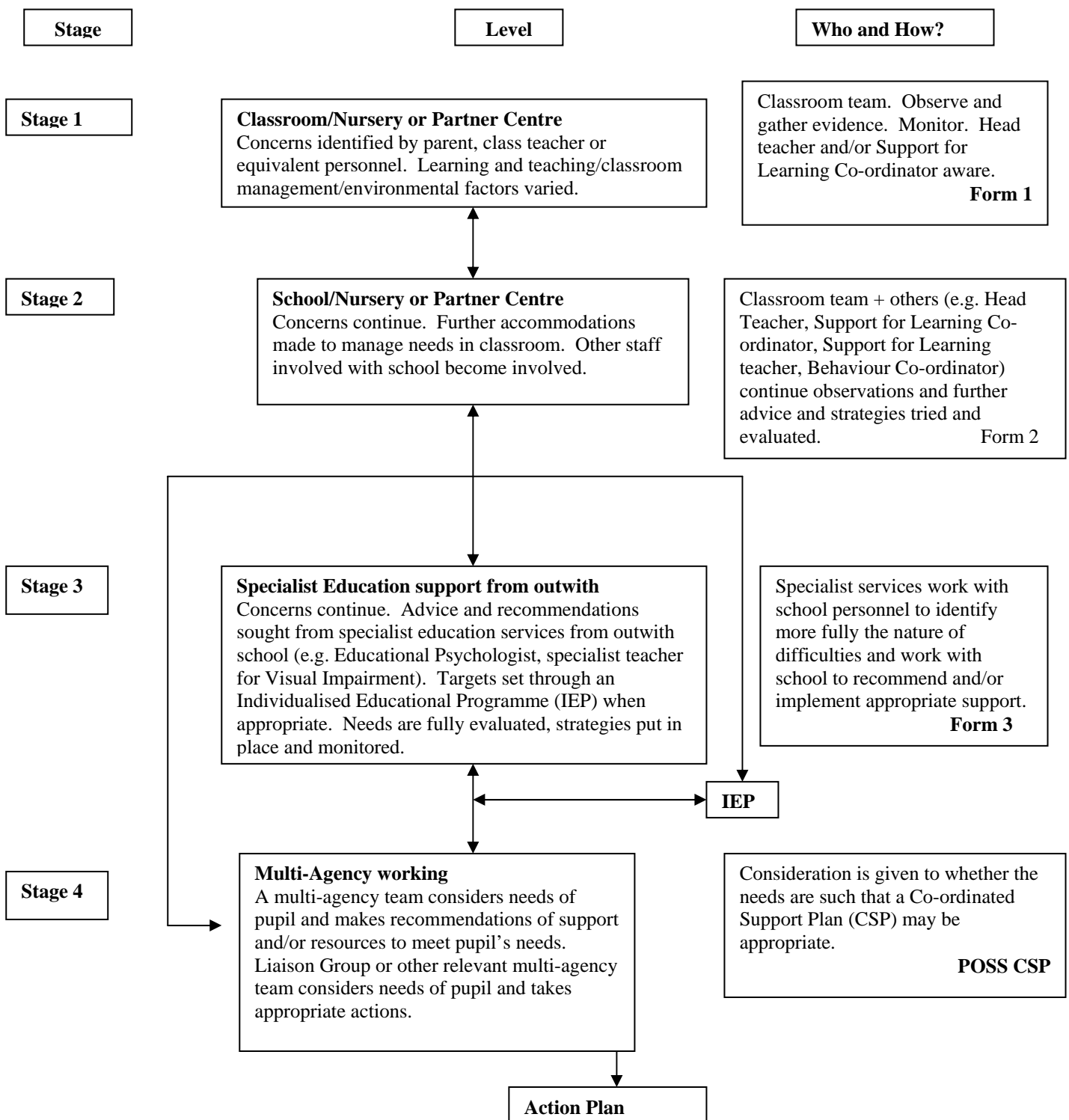
6.3 The **purpose of assessment** is to help identify the actions required to maximise development and learning. It is to identify and clarify needs and to identify appropriate interventions required to meet those needs. The **definition of assessment** is to collect information through observation and discussion, in general and specific terms, and through planning to implement and evaluate interventions. Assessment is a dynamic process undertaken by professionals and parents identifying strengths and taking account of needs and risks. This may include discussion with parents, class teacher, support teacher, speech and language therapist, social worker, educational psychologist etc . Assessment encompasses observations made at home, in class or in the playground during normal day to day activities but may be more specialised for example by evaluating strategies suggested by the Educational Psychologist or behaviour support teacher. The assessment process assumes the negotiated sharing of information by the relevant persons and agencies where the law, best practice and policy allow or require it.

6.4 Robust and effective Individualised Education Programme (IEP) planning is the key process for meeting the Additional Support Needs of children and young people. The collaborative and consultative role that parents should be invited to play in the drawing up and reviewing of their

child's IEP is very important in the development of adequate and effective support for their child's Additional Support Needs.

- 6.5 The Support for Learner's Policy Framework in Highland details the Staged Approach to assessing, identifying and providing for the support needs of children and young people. It advises the co-ordination of early intervention, from low level in-class strategies to multi-disciplinary assessment and planning. The Staged Approach outlines the pathway for accessing additional support services to support the individual needs of a child or young person. This Staged Approach advises on the multi-agency supports to meet the Additional Support Needs of a child or young person that can be accessed through general school liaison, the Liaison Group process and Area Children's Service Forums.
- 6.6 The Integrated Community School programme has developed a multi-agency team approach to working collaboratively for best outcomes for the children and young people through discussion and action planning within the Liaison Group, following a solution focussed methodology.
- 6.7 The Area Children's Service Forums allow the Area Managers from Education, Social work and Health to meet regularly. The meetings of the case working sub groups of the ACSF will be kept informed of the children or young people in their Area who have or will have Co-ordinated Support Plans and will have an active role in ratifying the recommendations of the ASL Co-ordinator and Support Manager ASN with regard to the Co-ordinated Support Plan Process. It is at this level that decisions can be made with regard to Area Resources which may need to be deployed to support the additional support needs of the most vulnerable children and young people in our communities.
- 6.8 The Highland Council has seconded a co-ordinator to explore and develop an Integrated Assessment Framework to improve the quality and effectiveness of interventions for children and young people with additional safety, health, learning, social emotional or care needs. This framework will provide a single and transferable evidence- based approach to the assessment of children's needs which can be used by all agencies in partnership with families. The Integrated Assessment Framework may provide a universal basic assessment from which agencies can draw to help them in their further specialised assessments, and as the Framework develops, existing assessment and review processes are expected to become part of this integrated and wider procedure.
- 6.9 **It is important to note that, providing their permission has been sought, most parents and young people strongly encourage the sharing of information between professionals where this leads to better planned and co-ordinated services to their child and family.** The proper sharing of information plays an important part in the Integrated Assessment Framework which is being developed by the Scottish Executive.

Identifying and responding to Additional Support Needs A Staged Approach



7 The criteria for a Co-ordinated Support Plan

- 7.1 There is a small group of children and young people who have significant Additional Support Needs arising from complex or multiple factors and which require a high degree of co-ordination of the support provided by the Education Authority and other agencies. These children and young people may require a Co-ordinated Support Plan (CSP).
- 7.2 The Co-ordinated Support Plan is a statutory document. Where a child or young person has a Co-ordinated Support Plan both the plan and the arrangements put in place to meet the Additional Support Needs must be regularly monitored and reviewed.
- 7.3 The criteria for requirement for a Co-ordinated Support Plan are as follows:
- a) The Education Authority is responsible for the school education of the child or young person.**
 - b) The child or young person has additional support needs arising from-**
 - (i) one or more complex factors**
 - (ii) multiple factors**
 - c) those needs are likely to continue for more than a year, and**
 - d) those needs require significant support to be provided-**
 - (i) by the Local Authority in the exercise of any other functions as well as in the exercise of their functions relating to education, for example Social Work ,or**
 - (ii) by one or more appropriate agencies, as well as by the Education Authority themselves.**

7.4 Complex factors

A complex factor is a factor which has or is likely to have a significant adverse effect on the school education of the child or young person. It is likely that it will affect most aspects of learning. Some examples of complex factors could be the following:

- Learning Environment

Where the learning and teaching approaches and curriculum are significantly at odds with what the child or young person requires, and are therefore having a significant adverse effect on his or her school learning. This may range from identifying within school strategies which will help for example changing the seating arrangement, to more significant, where a child or young person is attending a mainstream school and the learning and teaching approaches

available there cannot be suitably adapted to take account of the child's or young person's learning needs. That is, the child or young person may be in a mainstream school when a special school would provide a more effective education. Alternatively, a child or young person in a special school may require to be placed in a mainstream school. Or, the child or young person may have a severe hearing impairment which is having a significant effect on his or her ability to access the curriculum, and because appropriate measures have not been put in place, this is adversely affecting the child or young persons progress in school and requires specific technological aids to be provided to help the child or young person progress with learning.

- Family Circumstances

Where family life is disrupted, perhaps through parental alcohol, drug or domestic abuse or mental health problems, or family bereavement and the child or young person is not receiving the parental support, direction and guidance needed to make the most of school education, or where for example, school attendance is poor.

- Disability or health

Impairments such as blindness, or a physical disability such as cerebral palsy or other condition such as autistic spectrum disorder, specific language impairment or developmental co-ordination disorder require measures to be put in place if the child or young person is to benefit from school education. In addition some children with a mental health problem such as depression or anorexia may experience significant disruption to their school education.

- Social and Emotional factors

Children or young people may have social and emotional difficulties, such as behaviour difficulties which may lead to offending or they may be being bullied, which prevent them attending school regularly or engaging effectively with the curriculum.

7.5 **Multiple factors**

Multiple factors are factors which are not by themselves complex factors, but taken together, have or are likely to have a significant adverse effect on the school education of the child or young person. For example, a child may have a mild sensory impairment(disability or health), live in disadvantaged social circumstances where there are parental relationship difficulties, unemployment and low income(family circumstances)and may not be receiving appropriate learning and teaching (learning environment) which takes account of the sensory impairment. Each of these taken separately may not have a significant effect on the education of the child or young person but the cumulative effect of these multiple factors is such that the school education of the child or young person is being adversely affected to a significant degree.

7.6 It is the effect of the factors on school education that is important, not any diagnostic label alone. Every child or young person should be considered on an individual basis. What may be complex or multiple factors with a significant adverse effect for one child or young person may not be for another. **In most cases, existing planning processes eg. an individualised educational programme(IEP),Personal Education Plan(PEP)or a Care plan may be sufficient to address the child’s or young person’s needs. As stated previously (see Section 6.4) the IEP is seen as the primary planning document.**

7.7 What counts as “significant support” cannot be generalised and full consideration has to be given to the child or young person’s individual situation and circumstances.

The following are unlikely to count as “significant” in terms of the 2004 Act:

- Help from a support for learning teacher
- Tutorial teaching
- In-class support
- Implementing specific advice from a therapist by the class teacher
- Involvement from a Social Worker

The following would count as “significant support”:

- Full time placement at a Special School or unit
- Provision of personnel to support a child or young person full time in mainstream
- Provision of specialist aids to communication eg hearing aid, individual laptop etc

The judgement on the significance of support has to be made on the grounds of frequency, nature and intensity of support.

7.8 Education authorities and schools should be able to identify most children and young people with Additional Support Needs through their arrangements for assessing learning, and for monitoring the educational progress of children and young people, and therefore will most likely be aware of those who may require a Co-ordinated Support Plan. In Highland the use of the Staged Approach to supporting children and young people’s Additional Support Needs through IEP monitoring and review, liaison group action planning and review and care planning will identify such children and young people.

7.9 There will be occasions where it comes to the attention of the authority(for example through a teacher, paediatrician, parent or young person, social worker or therapist) that a child or young person may have Additional Support Needs or may require services co-ordinated at a high level and may need to establish if a Co-ordinated Support Plan is required. In these circumstances the authority must establish whether the child or young person has additional support needs or requires a co-ordinated support plan, unless the authority considers it unreasonable to do so.

- 7.10 **It is our understanding that it is the intention of the Act that a Co-ordinated Support Plan should only be compiled for a child or young person where it is necessary to co-ordinate aspects of the support which the child or young person is receiving in relation to their education and where other existing plans such as the Individual Education Programme (IEP), Care Plan or Personal Education Plan do not already fulfil this function.**

8 What is the process for triggering and developing a Co-ordinated Support Plan? (See pathway at end of section p28)

- 8.1 Parents, professionals or a young person him/herself may wish to request that consideration is given to assessing a child's or young person's Additional Support Needs and compiling a Co-ordinated Support Plan. They must put this request in writing or some other permanent form.

The request must include the reasons why an assessment may be appropriate and should be accompanied by any relevant information such as school and other reports. It should be sent to the Area Education Manager.

- 8.2 The Area Education Manager will acknowledge this request and refer it to the relevant Liaison Group or for a Looked After Child to the school and Social Worker as entry point for the LAC Review system, for discussion as to whether or not the request is reasonable. **This meeting must take place within 4 weeks of the request for consideration.** (Parental Letter 1)

- 8.3 The Liaison Group (or LAC Review in the case of a Looked after Child) should include the professionals currently involved with the support of the child or young person, the parents, and the child or young person if appropriate, so that an informed discussion can take place. This discussion should consider current services, existing planning documents and processes and the present situation to decide if it is appropriate to recommend establishing whether a CSP is required. A detailed minute must be taken.

- 8.4 If it is recommended that it would **not** be appropriate to draw up a CSP, the Additional Support for Learning Co-ordinator must be advised of the reasons for this recommendation so that he/she can notify parents and young people or referring professional. Evidence for this will be in the minute of the meeting and any accompanying documentation (professional tool) (Parental Letter 2b)

- 8.5 If the Liaison Group (or LAC Review) concludes that it is appropriate to consider drawing up a Co-ordinated Support Plan, the Chair will ensure that a CSP co-ordinator is identified from the relevant agencies represented. This may be a person from Education but it may be, for example, a social worker or speech and language therapist if that person has more of a key role with the child or young person and their family with regard to the Additional Support Needs which require to be addressed through the Co-ordinated Support Plan.

- 8.6 During the discussion the Liaison Group (or LAC Review) will prepare the information required for a Notice of Proposal. (See Professional tool).The Chair will send this to the Area Education Manager for information and to the Additional Support for Learning Co-ordinator who will complete the Notice of Proposal, based on the information given, and send this out to parents, young people and Social Worker in case of Looked After Child.(Parental Letter 2a/ NOP)

- 8.7 The CSP co-ordinator will make contact with the parents and the child /young person to discuss the Notice of Proposal and seek their comments as to what assessments and information will be required to inform the Co-ordinated Support Plan. The Education Authority must follow these up unless the Authority believes the request to be unreasonable. If a request is refused the Authority must inform the parents or young people of its decision, giving the reasons for it. The parents and young people must also be advised of their rights of appeal.
- 8.8 The CSP Admin team will send copies of the Notice of Proposal (NOP) to all agencies from whom assessments or examinations have been requested, accompanied by their own specific request form which will contain headings indicating the types of information and advice being sought. Services and agencies will be asked, in accordance with the Code of Practice, to be very specific as to the amount and type of service which they propose to give to support the child or young person, and the type of person who will provide this support. This advice will be collated to draw up the substantive content of the Co-ordinated Support Plan. In order that the CSP process is completed within the legal time limit **all agencies must respond within 10 weeks from the date the request for information is sent**. All agencies contributing information to the CSP must go over their reports and findings with the family before the Co-ordinated Support Plan meeting.
- 8.9 The Area Children's Service Forum Caseworking group will receive a copy of the Notice of Proposal and professional tool from the ASL Co-ordinator in order to be informed of the situation and to ratify the recommendation of the ASL Co-ordinator /Senior Manager(ASN).
- 8.10 The Authority (Additional Support for Learning Co-ordinator) must write to the parents /young person within 4 weeks of the Notice of Proposal Letter to confirm whether a Co-ordinated Support Plan will be drawn up unless it is impracticable to do so.(Parental Letter 3/3b.) Involving the Additional Support for Learning Co-ordinator in this way will ensure an overview of the process Highland wide and assist in Quality Assurance.
- 8.11 At this time the AEM will agree a time and date to hold the Co-ordinated Support Plan Meeting with parents and/or young person and the CSP Co-ordinator (and Social Worker if LAC).This will be set for approximately 14 weeks from the date of Notice of Proposal .The CSP admin team will inform parents ,young people ,school, Social Worker(if applicable.((Parental Letter 4)
- 8.12 The CSP admin team will collate the information and advice returned by the agencies/services making assessments and will forward these to the CSP Co-ordinator who will draw up a draft CSP based on this information, the comments given by the parents, child and or young person and the agreed education input authorised by HT and AEM. The CSP Co-ordinator will check with the relevant agencies that input written in is as agreed. A copy of this draft plan will be sent to the AEM and ASL Co-ordinator for information and

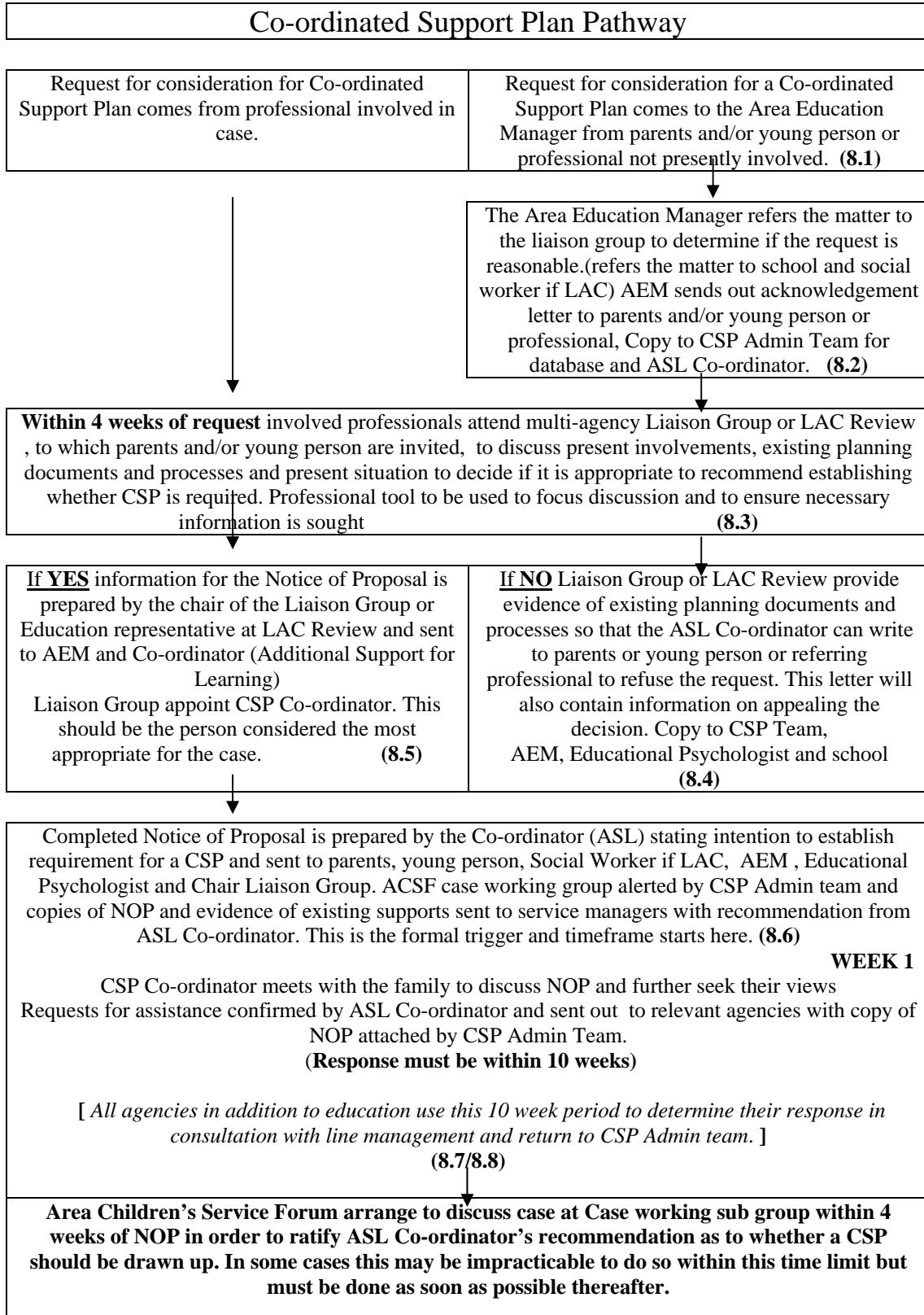
then to, parents and young person, and Social Worker if LAC. in preparation for the CSP Meeting.

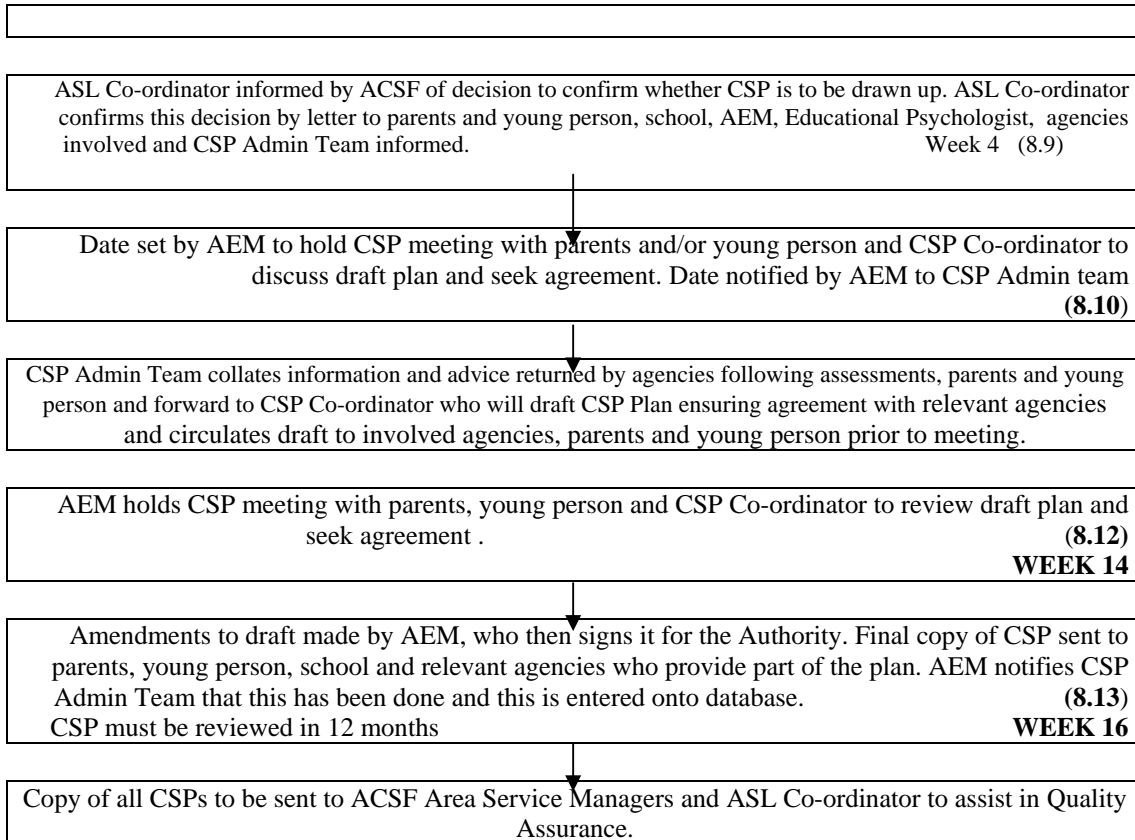
- 8.13 The Area Education Manager will hold the CSP meeting with the parents , child or young person if appropriate, and Social Worker in case of LAC and CSP co-ordinator to discuss the draft plan and seek agreement. Other professionals are not usually invited to the CSP meeting keeping it small and personal for the family.
- 8.14 The Area Education Manager will make any amendments to the draft CSP, sign it on behalf of the Authority and send it out to parents and young people, Social Worker in case of LAC and relevant agencies within the 16 week timescale.(Parental Letter 5)
- 8.15 The 16 week deadline is met if the completed copy of the plan is sent to the parents **within 16 weeks of the Notice of proposal.**
- 8.16 If the Education Authority becomes aware that the 16 week time limit is unlikely to be met, the Area Education Manager must write and explain to the child's parents or the young person the reason for this delay and set a new date for the completion of the process. The regulations do not specify what the new time limit should be but state that it should not exceed a further 8 weeks, or by longer than is necessary in the circumstances. This is to allow for individual circumstances surrounding the delay to be taken into consideration and to allow appropriate new time limits to be set. This may come about due to:
- the child's parent or the young person has made a request for a particular type of assessment or examination and that cannot take place, or the results will not be available, before the end of the 16 week period.
 - The Education Authority has asked an appropriate agency or other persons for help and they have not been able to respond in time.

However, the total time taken for the completion of a CSP must not exceed a total of 24 weeks.

- 8.17 A copy of the CSP will be sent by AEM to the Area Childrens Service Forum Area Service Managers and ASL Co-ordinator for information, to assist in Quality Assurance and identifying unmet need.
- 8.18 The CSP will be formally reviewed in 12 months time unless there is a request to do this earlier if the child or young person's Additional Support Needs or circumstances have changed significantly. Thereafter the CSP will be reviewed on an annual basis and may or may not continue depending on the Additional Support Needs of the child or young person, and whether or not they continue to meet the criteria for a CSP.(For a Looked After Child this will be built into the LAC Review process)
- 8.19 The CSP Admin team will monitor timescales to ensure that notifications and reviews take place when required to do so by law. The team will maintain a database for the management of this information.

- 8.20 The Education Authority must keep a copy of the Co-ordinated Support Plans, which they have prepared, in a place the Authority consider appropriate. In Highland this will be with the relevant Area Education Manager. The Act already provides for the child's parents or the young person to receive a copy of the plan. In addition they must be told where they can inspect the Authority's copy during normal business hours and this will be, by appointment at the Area Education Office. A further copy of the CSP will be kept at the school attended by the child or young person and centrally by the Additional Support for Learning Co-ordinator. The CSP is a confidential document and should not be disclosed to anyone other than those who have a professional requirement to see it or have a copy. But it is a strategic planning document and should be used and referred to on a regular basis by those working with the child or young person.





9 What is the content of a Co-ordinated Support Plan?

9.1 The format of the Co-ordinated Support Plan is set out in law. It must be used by all education authorities. (see Draft CSP in Appendix 1)

9.2 The Plan must contain :

- Biographical and contact details of the child or young person
- Contact details for their parents or those adults who have, or share, responsibility for the care of the child or young person
- The name of the school the child or young person is to attend
- The details of the person who will co-ordinate the additional support identified in the plan(usually the Headteacher in Primary, PT Support for Learning in Secondary) and the details of any person nominated by the authority to carry out the co-ordinator function, if not an education authority official.
- The details of the contact person within the local authority from whom the parent or young person can obtain advice and further information.(Area Education Manager, Additional Support for Learning Co-ordinator, CHIP+)
- A pupil profile -the purpose of this is to build a holistic pen picture of the child or young person. It should focus on the positive aspects of the child or young person's life, for example, his/her capabilities and skills. It may also include information about the school attended or curriculum followed, other planning in place, his/her favourite activities, or how he/she likes to learn.
- The education authority's conclusions as to the factor or factors from which the Additional Support Needs of the child or young person arise
- The educational objectives sought to be achieved taking account of those factors
- The additional support required to achieve those objectives; and
- Who will provide that support by agency rather than name.
- The parent's and child's/young person's comments on any aspects of the co-ordinated plan process as well as the plan itself
- A review timetable

9.3 The plan should be clear and succinct, and refer to needs that will or are likely to continue for more than a year. Short term objectives will continue to be contained in the IEP or other plans.

9.4 The Co-ordinated Support Plan is a working, planning document. It details the factors giving rise to the child or young person's Additional Support Needs. It does not contain the multi-agency information, including the

assessment/examination reports that contributed to the Education Authority reaching these conclusions.

- 9.5 The educational objectives in the Co-ordinated Support Plan must take account of the factors giving rise to the child's or young person's Additional Support Needs. The only objectives to be included in the Co-ordinated Support Plan will be those which will require the co-ordination of services to be achieved. Children and young people will always be working to achieve other learning outcomes which are not documented in the Co-ordinated Support Plan and these will be outcomes which do not depend, for their achievement on the level of co-ordination of support required by the Co-ordinated Support Plan.
- 9.6 For example, a particular child with a Co-ordinated Support Plan may have intended learning outcomes in maths and language and, apart from the usual support from the family, the school may feel that these will be achieved without any support from other agencies. These learning objectives will be documented through other school planning arrangements such as IEP and will not be documented in the Co-ordinated Support Plan.
- 9.7 Decisions about what are appropriate educational objectives for a child or young person should be taken independently of the additional support required to achieve them, and should be informed by the assessment information available. The starting point should be to establish what is reasonable to expect the child or young person to achieve over the course of the next year, taking account of the assessment information available. The objectives should be described in terms that are specific enough to enable the Education Authority and other agencies involved in supporting the child or young person to monitor and review over time. When setting an objective, a question that needs to be answered is 'How will we know if the objective has been achieved?' Since each Co-ordinated Support Plan has to be reviewed on at least an annual basis then the objectives should be achievable in a year or should include which progression milestones will be identifiable within a year.
- 9.8 The Co-ordinated Support Plan must describe the additional support required to achieve the educational objectives stated. This will cover teaching and other staffing arrangements, appropriate facilities and resources, including information and communications technology, and any particular approaches to learning and teaching to be used. The statement of support to be provided should be clear and specific and where possible quantified. Everyone should understand and be clear about what is being provided and why it is being provided. Statements such as 'learning support as necessary' or 'speech and language therapy as required' are too vague to be helpful. A statement such as 'tutorial and small group teaching for three 45 minute sessions per week' provides a clearer understanding about what is being provided.
- 9.9 The plan must state the designations of 'persons' who should be providing the support. So, for example, terms such as 'visiting teacher of the deaf', 'speech and language therapist', 'social worker', 'educational psychologist', 'clinical psychologist', and 'Careers Scotland' are acceptable terms. Individual

members of staff should not be named as providers of support, since personnel may change, the additional support need not.

10 The Co-ordinated Support Plan meeting(s)

- 10.1 The Co-ordinated Support Plan must be completed within 16 weeks from the date that the Notice of Proposal is sent. Those contributing information must take account of the tight legal timescale and ensure that parents, young people, the CSP Co-ordinator and the AEM have the necessary information in order to finalise the Plan at the Co-ordinated Support Plan meeting.
They should go through their report with the parents/carers and discuss its content in an appropriate way (wherever possible) with the child or young person. Parents/carers and young people must be given a copy of the report.
- 10.2 The Co-ordinated Support Plan meeting will be chaired by the Area Education Manager and attended by the parents, child(if appropriate) or young person and the CSP co-ordinator. The Social Worker will be invited in case of Looked After Child.
- 10.3 The parents, child or young person may have a friend, supporter or advocate with them at the meeting if they wish.
- 10.4 The Area Education Manager will lead the meeting through the draft plan seeking agreement on content. Where there are amendments to be made these will be agreed and noted on the draft plan by the AEM.
- 10.5 The AEM will take responsibility to have the final Co-ordinated Support Plan typed up. The Co-ordinated Support Plan will then be signed by the Area Education Manager and issued to parents, young people, social worker, the school, ACSF Service Managers, ASL Co-ordinator and relevant professionals involved in its provision, within the 16 week timescale.
- 10.6 The Area Education Manager will send out information to the parents and young people about their rights of appeal together with the final copy of the Co-ordinated Support Plan so that they can exercise their rights to appeal should they wish to do so.
- 10.7 The Area Education Manager will notify the CSP Admin Team of the date that the Co-ordinated Support Plan has been sent out.

11 Monitoring and Review

- 11.1 The Education Authority must make appropriate arrangements for keeping under consideration the Additional Support Needs of, and the adequacy of additional support provided to each child and young person with Additional Support Needs for whose school education they are responsible
- 11.2 Most children and young people who require additional support will have their learning needs met by the day to day classroom practice in pre-school and school settings. These children and young people will be subject to the normal self-evaluation and external professional monitoring and quality assurance procedures in place in school education.
- 11.3 Some children and young people may require multi-agency planning which involves agreed review and monitoring procedures. For example a young person may have an Individualised Educational Programme (IEP) and/or a Personal Education Plan(PEP). These need to be regularly monitored and reviewed through the procedures set to determine if targets set have been achieved, what modifications require to be made and to agree the way forward.
- 11.4 Where children and young people are not making adequate progress as expected, the child or young person's needs should be re-assessed so that appropriate support can be provided.
- 11.5 In all reviewing processes the views of the child, young person and parent should be acknowledged, noted and considered as they are active partners in the child or young person's education.
- 11.6 **If a CSP is drawn up the Education Authority must, by law, ensure that the CSP is reviewed on an annual basis. (See Pathway at the end of this section)**
- 11.7 The CSP Co-ordinator will ensure that an appropriate review schedule is in place for each child or young person and will be tasked with the responsibility of keeping relevant professionals, families, children and young people alerted to the need to set dates for reviews to ensure that arrangements take place within the required time frame and to alert them to the fact that their views will be sought during the review period. The collection of information to inform the annual review of a Co-ordinated Support Plan must be complete within 12 weeks.
- 11.8 When a request for an early review is made by parent/carer, young person or professional the AEM must decide whether the request is reasonable. It may not be reasonable if:
- The child's or young person's circumstances have not significantly changed

- A reasonable time has not elapsed since the last review
If the request for an early review is refused the AEM must write to the parents/carers and the young person giving the reasons for refusing the request and sending an Information sheet on how to appeal (Parental Letter 6b).
- 11.9 When a request for a review is reasonable or a Review is due the Proposal to Start a Review (Parental Letter 6a) will be sent to the parents and young person by the Area Education Manager. It will be copied to the liaison group or Social Worker for a Looked After Child and relevant professionals and accompanied by a covering letter requesting their advice and information for the review process. This advice and information must be sent to the CSP Co-ordinator within 10 weeks.
- 11.10 The date for the Review meeting will be set for the end of the 12 week period and usually be chaired by a member of the school's Senior Management Team. The chair will inform parents and young person, professionals, CSP Admin Team and AEM of the date by letter.(Parental Letter 7)
- 11.11 The Annual Review of each CSP must consider:
- How far the educational objectives have been achieved
 - The child or young person's additional support needs
 - The setting of new educational objectives
 - The support required and
 - The agencies providing the support
- 11.12 Following the Review the Chair of the Review meeting must inform the AEM and the child's parents or young person of the outcome and of their rights to refer to the Additional Support Needs Tribunal.(Parental Letter 8)
- 11.13 If there are amendments to the Co-ordinated Support Plan as a result of the review the Chair of the Review meeting must complete an updated version of the Co-ordinated Support Plan and forward it to the AEM for authorisation and signature. The AEM will then distribute the Co-ordinated Support Plan to parents, young people and relevant professionals. (If the CSP is to be discontinued please see section 13 for details.)The CSP Admin Team will be notified that this has been done.
- 11.14 Where a child or young person and their family are involved in several planning and review processes these must be harmonised where possible.
Duplication of effort, processes and meetings must be avoided.

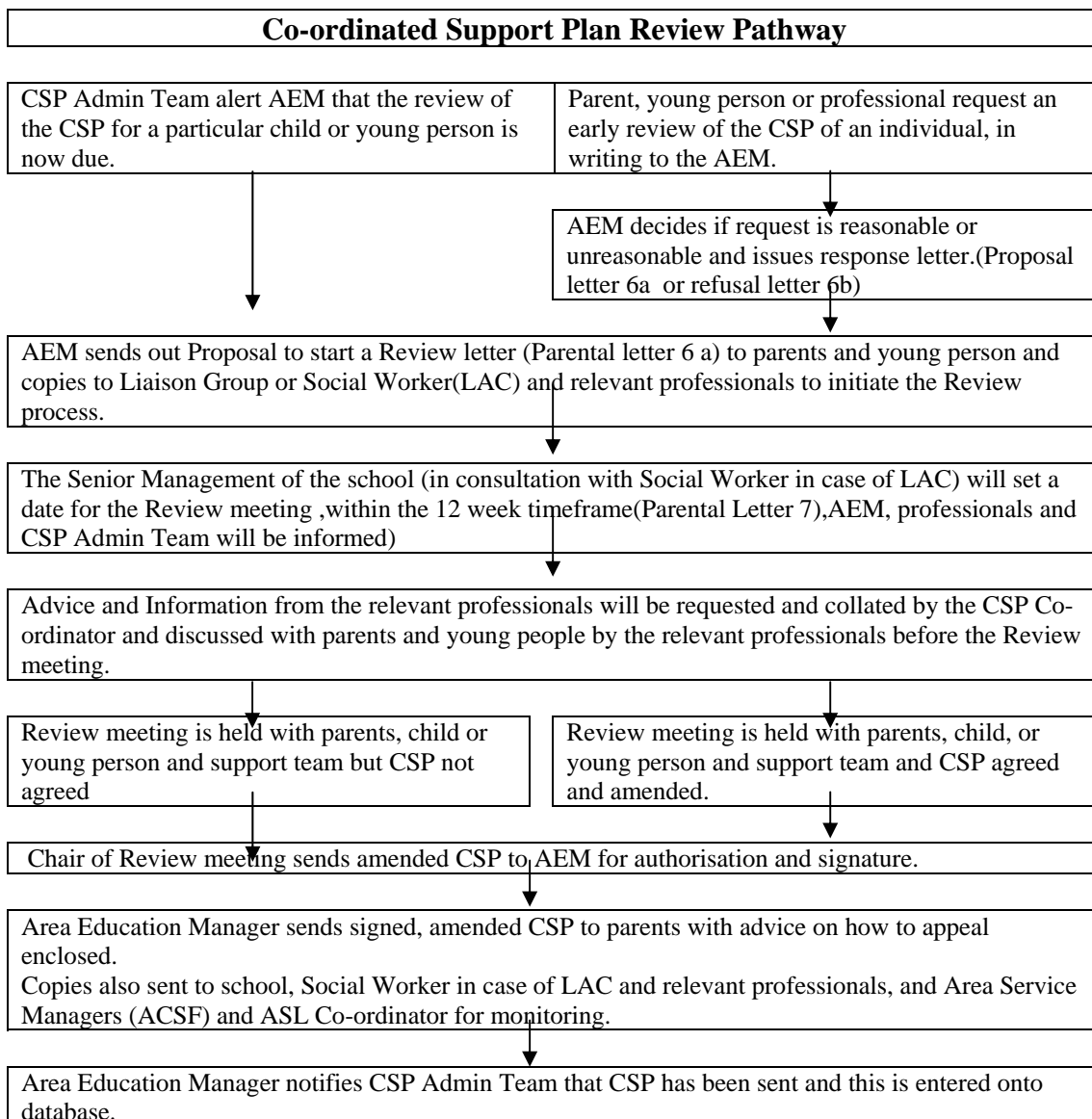
For example:

- A single multi-purpose meeting can be held termly to review a child or young person's IEP and PEP, and this may be combined with their LAC Review.
- a single multi-purpose meeting should be held annually for children and young people who have both an IEP and a CSP, in order to review all the medium

and long term targets, and to ensure consistency between these plans. Some targets may appear in both plans. (But see section 9.5)

11.15 The Education Authority is responsible for the review and monitoring of the school education of children and young people belonging to its area, and for those whom the Education authority have placed in independent or grant aided schools. The Authority has a duty to children and young people who are placed in schools or secure units outside the Council Area through the Children's Hearing System and therefore must monitor and review the educational provision for these pupils to ensure that it meets the Additional Support Needs of such Highland children and young people.

11.16 Where a Highland pupil with Additional Support Needs attends a school managed by another Scottish Education Authority, the Highland Council has a duty to monitor the appropriateness of the educational provision, **BUT the Education Authority which manages the school is responsible for compiling and maintaining a Co-ordinated Support Plan where one is appropriate.**



12 Transitions

- 12.1 All children and young people go through transition stages in their school education. There are four main transition stages:
- Beginning pre-school provision
 - Pre-school to Primary
 - Primary to Secondary
 - Moving to post school provision
- 12.2 The new Act discontinues the Record of Needs and the Future Needs assessment and review process. Schools and other agencies should ensure that the Additional Support Needs of individuals are well planned for through effective and efficient liaison. The Act is supported by the Changes in School Education Regulations.
- 12.3 Some children or young people may experience changes in their schooling at other times e.g. when they change school due to a house move, traveller children moving into a new area ,when a school closes etc
- 12.4 It is essential that appropriate arrangements are in place to ensure that changes in school education for children and young people with Additional Support Needs, can be as smooth, efficient and as effective as possible to ensure continuity and progression.
- 12.5 The Education Authority’s routine arrangements will enable most children and young people to manage the changes to their education with sufficient support. In some cases the Education Authority will need to plan in a detailed way to address the specific needs of some individuals who have Additional Support Needs.
- 12.6 In the case of pre-school children with Additional Support Needs, the Education Authority must, wherever possible, seek relevant information about the child 6 months before the expected transition date and ensure that wherever possible information is passed to the partner centre, nursery or primary school at least 3 months before the expected date of transition. This will allow adequate sharing of information about the Additional Support Needs of the child to be passed on thus enabling adequate and individual planning to be made.
- 12.7 In the case of primary school children with Additional Support Needs moving into secondary school the Education Authority must, wherever possible, seek relevant information about the child 12 months before the expected transition date and ensure the information is passed on to the secondary school at least 6

months before the expected date of transition, thus enabling adequate and individual planning to be made based on adequate information sharing.

- 12.8 In the case of secondary school children with Additional Support Needs, the Education Authority must, wherever possible, seek relevant information about the child and the services offered by post school providers 12 months before the expected date of transition and ensure that wherever possible information is passed on to the post school providers at least 6 months before the expected date of transition. This will allow for adequate sharing of information about the Additional Support Needs of the child or young person to be passed on thus enabling adequate and individual planning to be made.
- 12.9 **It is essential that parental permission is sought or the young person's permission is sought before any information is shared. Where the young person does not have the capacity to give consent then his/her parents may do so for them. In a few situations the wishes of the child or young person may differ from that of his/her parents. The Education Authority should consider which course of action is in the best interests of the child or young person as well as the capacity of the child or young person to express a view and make their decision accordingly.**
- 12.10 Other appropriate agencies, such as health, social work services, Careers Scotland, Further Education Colleges and Higher Education establishments must be involved in transition planning where appropriate.
- 12.11 The views of parents, children and young people must be sought and taken account of. They should be a valued part of the planning process and be able to access support as required through any transition process.
- 12.12 Schools and other agencies should ensure that there is early and efficient planning for transitions. They should also ensure that there is adequate and efficient support in place to help the child or young person and their family through the transition process.
- 12.13 It is good practice for the transition to be managed by a key relevant person known to the family and child or young person. This may be someone from any of the relevant agencies or the Authority. For people with a Co-ordinated Support Plan this person could be the CSP Co-ordinator. The emphasis is on what is best for the child or young person.
- 12.14 The Act removes the Future Needs process which was part of the Record of Need Reviewing process. There should however be a transition meeting arranged 12 months before the young person leaves school. This transition stage, preparing for adulthood, should specifically address recognition of strengths, abilities wishes and needs of the child or young person. This should help identify development needs such as skill building in independent living, money management, travelling independently etc. It should also ensure clearly identify routes and agencies of support for young people at this time and ensure that the adult services are planning effectively for the young people. It is a duty on the Education Authority that this is done.

12.15 The essential element of clear and informative communication between agencies, especially in the lead up to transitions, cannot be stressed enough and is a requirement under the Act.

(NB. Procedures to be followed when a child or young person with significant Additional Support Needs moves into the or out of the Highland Council Area are discussed in Section 13 of this document.)

13 Transfer, Discontinuance, Preservation and Destruction of the Co-ordinated Support Plan

Children and Young people who move into or out of the Highland Council Area

- 13.1 When a child or young person, with a Co-ordinated Support Plan, moves into the Highland Council area, the Education Authority who prepared the plan must transfer it to this Authority within 4 weeks from either the date it has been notified that the child or young person will be moving or, if the child or young person has already left the area, from the date it becomes aware that the move has taken place.
- 13.2 From then on The Highland Council will be responsible for the CSP as though it had been prepared here. Subject to any review that this Authority may wish to hold, The Highland Council will be bound by the terms of the CSP and the CSP must be treated in the same way as any others prepared by this Authority.
- 13.3 The Area Education Manager will inform the parents or as appropriate, the young person, of the transfer and of the responsibility for providing the support outlined in the CSP as now resting with Highland Council.
- 13.4 It will be good practice for the parents and young people to be informed of a key contact as soon as possible. They should also be informed of the name and contact details of the Area Education Manager and the Additional Support for Learning Co-ordinator from whom they can obtain advice and further information.
- 13.5 When a child or young person, who has a co-ordinated plan in Scotland, moves to England, Ireland or Wales, the Education Authority who prepared the plan can disclose the plan or extracts from it to the relevant Authority for that area. This can be done without the permission of the parent or young person but it is good practice to notify them that this is what the Authority is doing.
- 13.6 When a child or young person with a Statement of Special Educational Needs, moves into the Highland Council Area they will be assessed using the Staged Approach, to determine if they have Additional Support Needs. Consideration will be given to compiling a Co-ordinated Support Plan.

Discontinuing a Co-ordinated Support Plan

- 13.7 Where a CSP is to be discontinued following a review or where the Education Authority is no longer responsible for the Education of the young person or child, then the CSP must be kept for 5 years from the date of discontinuance.
- 13.8 Where the plan is discontinued after a review, the parents and young person have a right of Appeal to the ASN tribunal for a 2 month period and therefore the CSP cannot be discontinued during that period.
- 13.9 At the end of the 5 year period the CSP **must** be destroyed. The Authority must notify the parents or young person that this has happened.
- 13.10 If an ASN Tribunal overturns the Authority's decision to prepare or continue a CSP the Education Authority must notify the parents or young person when the plan will be discontinued. The Authority will ask them to let The Authority know within 21 days whether they want it preserved or not for a period of 5 years. If the answer is yes then the CSP must be preserved. If the answer is no, or there is no reply within the allotted time, then the plan is destroyed. The Authority will let the parents or young person know that this has happened.

14 Partnership working and resolving disagreements

- 14.1 It is basic good practice for the Education Authority, professionals and Other Appropriate Agencies to seek the views of parents/carers, children and young people and to acknowledge and record these. Parental, child and young person involvement from the beginning fosters clear and trusting communication. This ensures good relationships within which differences of view can be discussed and disputes minimised.
- 14.2 Access to information and advice is central to good partnership working. The Highland Council and its partner agencies will ensure that parents and young people are fully aware of the processes for assessing and providing for a child's needs. Parents/carers and young people should be helped to understand the planning mechanisms and to be familiar with the support services available within the school, the Education Authority and other agencies including voluntary organisations. For example encouragement for parents and young people to attend Liaison Group meetings with a supporter or advocate may help facilitate this; accessing support and advice from CHIP + may also facilitate this as may accessing advice and information from the Additional Support for Learning Co-ordinator.
- 14.3 Open discussion and a shared focus should help avoid disagreement or prevent it from escalating into a more serious dispute. It is expected that most disagreements can and will be resolved at school and Education Authority level with only a small number going through to formal review or appeal procedures. The Additional Support for Learning Co-ordinator will provide advice and options for parents and staff to help support this early resolution of disagreements.
- 14.4 Despite good practice in partnership working, there will be however times when agreement cannot be reached, tensions arise and a way forward has to be found. The 2004 Act requires the Highland Council to provide access to informal and formal dispute resolution mechanisms, and to independent mediation. It also provides parents and young people with rights to refer many matters to the independent Additional Support Needs Tribunal.

Mediation-see Pathway Appendix 1

- 14.5 The Highland Council has agreed that Children 1st will provide Mediation Services. This service is free of charge to parents and young people. Mediation is a voluntary service and would therefore not be appropriate for parents and young people who do not wish to engage with it. Mediation is not available to

parents who have disagreements with the school about issues other than those concerning Additional Support Needs. Mediation is a confidential process. The discussions undertaken by the mediator can only be shared if agreed by both sides. **Requests for access to Mediation should be in writing and sent to the Co-ordinator, Additional Support for Learning, who will acknowledge the request and contact Children 1st.**

- 14.6 Mediation can help families and authorities build or rebuild a positive relationship, leading to co-operation in making arrangements for the child or young person. The overriding principle is that the disputing parties come to a mutually acceptable solution.
- 14.7 Mediation can be used at any time where there is disagreement and can be used more than once.
- 14.8 Any such cases will be formally recorded by the Authority. This will be done by the Additional Support for Learning Co-ordinator.

Dispute Resolution-see pathway Appendix 2

- 14.9 Dispute Resolution is a procedure for resolving disputes which allows for an independent third party, external to the local Authority, to consider the circumstances leading to the disagreement, reach a decision, and make recommendations to all parties.
- 14.10 Dispute Resolution is available where a child or young person has Additional Support Needs but does **not** have a Co-ordinated Support Plan and therefore, cannot access the Additional Support Needs Tribunal. It is available to parents and Young people.
- 14.11 Disagreements may be about the assessment of Additional Support Needs ;or the level of provision required or being provided to meet them, for example auxiliary support ;or support from another agency required to enable the Authority to discharge its functions under the Act. In addition to this Dispute Resolution can also deal with cases where the Authority fails to implement the requirements of a Co-ordinated Support Plan. This means that when the Authority does not deliver the services stated in the Co-ordinated Support Plan Dispute Resolution is the mechanism of appeal for the parents or young person to use if local solutions or mediation cannot help resolve the matter.
- 14.12 Dispute Resolution is a paper exercise. Papers are prepared and forwarded to an adjudicator, who will be suggested by the Scottish Executive. The adjudicator will provide an independent, objective review of the case.
- 14.13 The Area Education Manager must inform the parents and young people how they can present their case to the adjudicator and what help they can provide to facilitate this for them. **Referrals for this service should be in writing to the Additional Support for Learning Co-ordinator who will acknowledge the request and make the necessary contacts.**

14.02.06

- 14.14 It is expected that in all but exceptional circumstances the decision of the adjudicator will be accepted. There is not a legal duty to implement the conclusions of the adjudicator but it is expected that the Authority will do so .
- 14.15 The Dispute Resolution process should not take more than 8 weeks from the initial request from the parent or young person.
- 14.16 Any such cases will be formally recorded by the Authority. This will be done by the Additional Support for Learning Co-ordinator.

Additional Support Needs Tribunals

- 14.17 The 2004 Act also establishes a new system of independent tribunals.
- 14.18 The Parents and young people may refer to a Tribunal decisions of the Education Authority including:
- To prepare a CSP
 - Not to prepare a CSP
 - To continue a CSP
 - To discontinue a CSP
 - Regarding the time scales of the CSP
- 14.19 Where a CSP exists, the parents or young person may refer to a Tribunal, on
- The information contained in the CSP
 - Failure of the Authority to review a CSP at the end of 12 months
 - Failure of the Authority to review a CSP within the timescales of the regulations
 - The decision of the Authority to refuse a request from a parent or young person to review the CSP or
 - The decision of the Authority not to comply with a request to establish whether a child or young person has additional support needs requiring a co-ordinated support plan.
 - The decision of the Authority to refuse a placing request (this also applies if a CSP is not yet prepared where there is the intention to do so.
- 14.20 The aims of the Tribunals are:
- To provide independent and expert adjudication, operating impartially, efficiently and effectively, in accordance with the Act.
 - To be user friendly through informal and flexible proceedings and being accessible to users
 - To discourage formal, litigious encounters between parents and education authorities by providing a forum for constructive dialogue and
 - To make decisions which reflect best practice in relation to Additional Support Needs.

14.02.06

- 14.21 The Tribunal must take account of the Code of Practice and will base their consideration of the facts of the case on how well the Authority has had regard to the Code prior to the Hearing.
- 14.22 The Tribunal can summon professionals to attend and it is a criminal offence not to attend if summoned.
- 14.23 Decisions of the Tribunal are legally binding on The Highland Council.
- 14.24 A Tribunal decision may require an education Authority to take action on a time frame set by the Tribunal.
- To continue a CSP
 - To discontinue a CSP
 - Regarding the time scales of the CSP
- 14.25 Where there is no CSP, nor an intention to prepare one, a dispute around a Placing request will be normally held by the Appeals Committee, as before. If however there is already a referral made by parents or a young person to the Additional Support Needs Tribunal regarding the refusal to prepare a CSP on behalf of the Education Authority then a connected placing request may be heard by the Tribunal.
- 14.26 Good practice and a staged approach through informal and formal routes of resolution should be sufficient to resolve, or determine, almost all cases of dispute and prevent them from going to formal complaint or litigation.
- 14.27 There may be a few cases where parents or young people will seek to take the process further. They may refer the matter to the Scottish ministers under section 70 of the Education (Scotland) Act 1980; they may refer the matter to the Scottish Public Ombudsman if it is, in their opinion, an issue of service failure or maladministration by the Authority; they may seek judicial review in the courts if it is appropriate.

(NB If parents move to live in the Highland Council area while their reference to the Tribunal is in process, the parents should write and tell the Tribunal that they have moved to this area. The Tribunal will write to the Highland Council to tell it about the reference. The Highland Council will be treated as having made the decision about which the parents have made a reference. The Tribunal will give the authority 30 working days to send to the Tribunal a case statement and evidence. The original authority should co-operate with the Tribunal and the Highland Council in providing information and copies of papers about the reference.

Area Education Managers must inform the ASL Co-ordinator or the Senior Manager (ASN) should they become aware of such cases. This will enable the Highland Council to consider the child's case and its position relative to the reference as quickly as possible.)

School level*

School based staff e.g. class teacher, Additional Support Needs staff, senior school staff/ headteacher take a team approach to meetings(including other agencies) and discussions with parents and pupils to resolve matters. Aim to develop positive relationships/partnerships and resolve issues at school level.

Framework for resolving disagreements**Education Authority Level*****Staged Procedures**

- (i) If parents still unhappy, Area Education Manager to investigate matter and issue decision.
- (ii) Additional Support for Learning Co-ordinator to provide options/advice.
- (iii) Consider independent mediation

***In practice, almost all concerns are resolved at school or education authority level. If not, third party review may be required.**

Independent Mediation Services

Voluntary process. Initial use most likely at education authority level before relationship breaks down but can also be used at later stages if appropriate. Aim is for both parties to reach a mutually acceptable solution. Requests for access to Mediation should be sent to Additional Support for Learning Co-ordinator who will acknowledge the request and contact Children 1st.(See Appendix 1)

THIRD PARTY REVIEW AND RECOMMENDATION

Dispute Resolution by Independent Adjudication	Education Authority Appeal Committees	Additional Support Needs Tribunals
For disputes about the way the authority are exercising their functions under the Additional Support for Learning Act as these relate to individual children/young people, including non-delivery of co-ordinated support plan requirements. Requests for access to Dispute Resolution should be sent to Additional Support for Learning Co-ordinator who will acknowledge the request and initiate the process.(See Appendix 2	Will continue to hear placing requests (where there is no co-ordinated support plan) and exclusion appeals.	For co-ordinated support plan matters under section 18(3) of the Act and placing requests where there is a co-ordinated support plan and another matter regarding the CSP is already referred to Tribunal.
Exceptionally a few cases may go to : Scottish Ministers (Section 70 of the Education (Scotland) Act 1980)	Sheriff Court (appeal against education authority appeal committee decisions)	Court of Session (on a point of law)
Scottish Public Services Ombudsman (for issues of service failure or maladministration)		
Civil Courts (Judicial Review)		

The Highland Council **Mediation Pathway-APPENDIX 1**

It is intended that local attempts within school and within area will have been tried to resolve the difficulty before application for Mediation. Parents/carers or young people can access this service provided by Children 1st. Mediation is a voluntary, confidential process. Parents, carers and young people need not engage if they do not wish to follow this path.

Initial referral for mediation should be sent in writing to the Additional Support for Learning Co-ordinator who will acknowledge the request and contact Children 1st to trigger the process (Parental Letter M1 copy to Children1st and AEM)Entered on database.

On receipt by Children 1st referral is acknowledged to the referrer and to the parents/carers where appropriate within 2 working days.

Initial appointments to meet all parties are made, within 5 working days of receipt of referral from ASL Co-ordinator.

All parties are seen for initial appointment within 15 working days of receipt of referral.

Second (and subsequent if required) appointments are completed within 20 working days of receipt of referral.

Draft agenda and structure for meeting is circulated to all parties in advance of a joint meeting. Mediator checks comprehension and consent by appropriate methods of communication. It is important that all the people who have decision making responsibility about disputes are available.

Lead mediator chairs the joint meeting and the second mediator minutes the meeting. They are not part of the decision making process. The parties speak for themselves and make their own decisions.

It is hoped, although not guaranteed that the joint meeting produces a signed plan. This will have a clear record of roles and responsibilities; and arrangements for monitoring, review and contingencies. A review date may be set to ensure that all parties are keeping to the agreed plan and to monitor progress.

It is expected that all stages of mediation will be completed within 6 weeks, ie. 30 working days of referral.

A review date may be set to monitor progress.

The Highland Council

Dispute Resolution Pathway-Appendix 2

Dispute Resolution is a voluntary, confidential process service which is provided by individuals recruited and trained by The Scottish Executive. Parents/carers or young people can request access to Dispute Resolution. Usually there will have been local discussions to try to resolve the difficulties before seeking formal Dispute Resolution, and it is good practice to offer parents/ carers or young people access to Mediation before using Dispute Resolution although parents/ carers or young people may make a direct request for Dispute Resolution. If parents/carers or young people request Dispute Resolution the service must be provided unless the request is not legally competent (see appendix 2B), but parents/ carers or young people need not engage with Dispute Resolution if it is suggested by The Authority and they do not wish to follow this path.

Parent/carer or young person requests Dispute Resolution in writing to the Additional Support for Learning Co-ordinator. AEM, school, Senior Manager ASN, Principal Educational Psychologist and relevant agencies informed. Entered onto database.

ASL Co-ordinator sends out application form and information on Dispute Resolution to person who has made the request.(DR Letter 1)

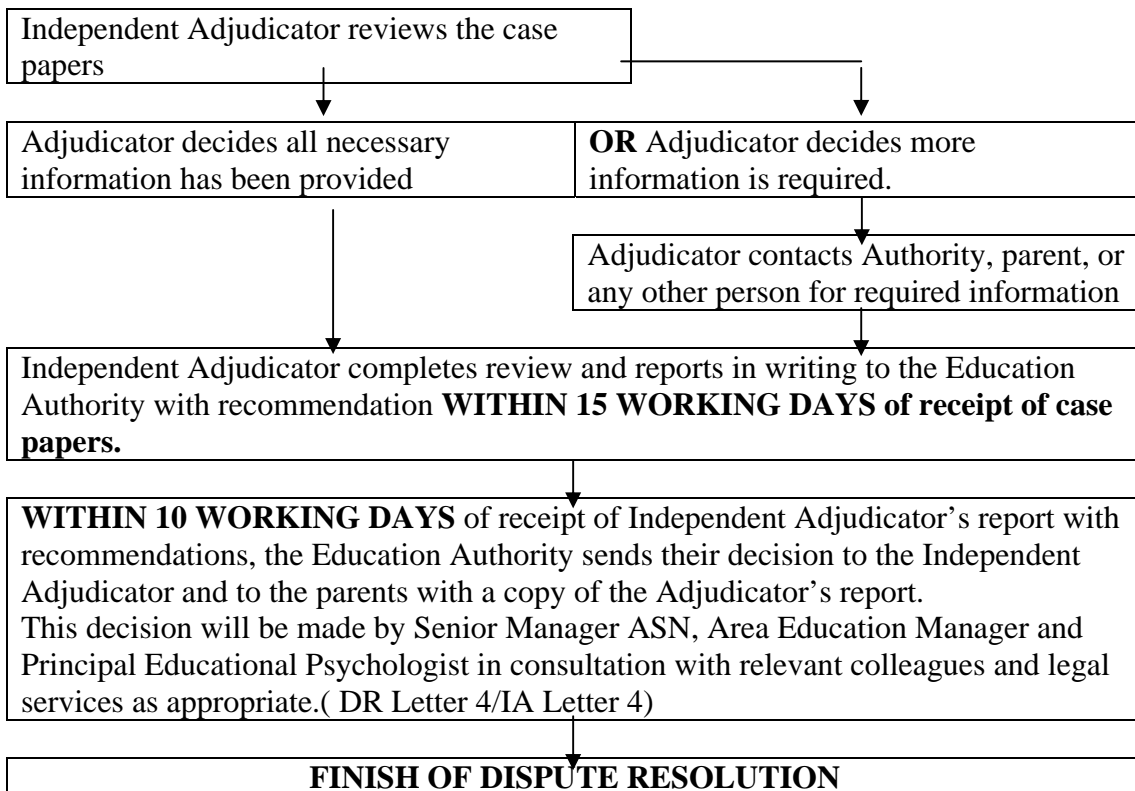
Parent/Carer/young person send completed application form to Additional Support for Learning Co-ordinator. *If required CHIP+ will help with completion of the form.*

When application is received The Highland Council has **10 days** in which to decide to accept the application or to refuse the application. This decision will be made by Senior Manager ASN, Principal Educational Psychologist and Additional Support for Learning Co-ordinator in consultation with relevant colleagues and legal services as appropriate. See Appendix 1 for grounds for decision.

<p>DECISION:Acceptance: Within 10 working days of receipt of application :</p> <ol style="list-style-type: none"> 1. ASL Co-ordinator sends notice of acceptance of application.(DR Letter 2a) 2. Request is sent to the Scottish Executive to nominate an Independent Adjudicator (IA Letter 1) <p>START OF DISPUTE RESOLUTION (Date of letter is official start of Dispute Resolution)</p>	<p>DECISION:Not to proceed: Within 10 working days of receipt of application:</p> <ol style="list-style-type: none"> 1. ASL Co-ordinator notifies decision not to proceed (DR Letter 2b) 2. Reasons for this decision must be outlined in the letter.
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1. **WITHIN 10 DAYS OF RECEIPT OF THEIR ACCEPTANCE OF THE APPLICATION BY THE PARENTS** the Highland Council must compile a response and send to the parents.(DR Letter 3)
- 2.i) **WITHIN 10 WORKING DAYS OF THE AUTHORITY’S RESPONSE** parents and Highland Council each consider reports and may send further observations to each other.
 - ii)Independent Adjudicator is nominated by Scottish Executive
 - iii)The Highland Council appoints the Independent Adjudicator.(IA Letter 2)
 - iv)Authority Officer identified to act as point of contact for Adjudicator and applicant.
3. **WITHIN 25 WORKING DAYS OF ACCEPTANCE OF APPLICATION.** The Highland Council (ASL Co-ordinator) sends the application, their response, and any further observations to the Independent Adjudicator. (IA Letter 3)

INDEPENDENT ADJUDICATION



*Dispute Resolution must be not be more than 60 working days from start to finish.
 In Regulations, working days are-
 Any day which is not a Saturday
 Any day which is not a Sunday
 Any day which is not 27th -31st December inclusive
 Any day which is not in July
 Any day which is not a Bank holiday in Scotland in or by virtue of the Banking and Financial Dealings Act 1971(Regulation 2(1))*

Appendix 2B

Request for Dispute resolution must be related to a matter covered by the Dispute Resolution Regulations in order for it to be accepted by the Authority.

Ie. Those disputes which are not covered by the Tribunal route or other formal review route eg Appeals committee.

Eg.

- **disagreements may be about the assessment of Additional Support Needs**
- **the level of provision required or being provided to meet them**
- **or support from another agency required to enable the authority to discharge their functions under the Act**
- **or cases where the authority fails to implement the requirements of a co-ordinated support plan.**

Dispute Resolution is not for issues such as:

Eg.

- **Issues relating to broader strategy or policy matters**
- **Or about allegations of misconduct**
- **Or school closures**
- **Or personal disputes between parents and any member of staff at school or in the education authority**
- **Exclusion appeals**

AND Dispute Resolution may not proceed if parents/carers or young person have not provided the specified information required in the application form.

Ie.

- **the name and address of the applicant and, where that person is not the child or young person, the subject of the application, the name and address of the child or young person who is the subject of the application**
- **the specified matter and a summary of the circumstances giving rise to the application**
- **a copy of any advice, information, or request relevant to the subject matter of the application and where applicable, a copy of any decision of the education authority which the applicant wishes to be taken into account by the education authority and the independent adjudicator in considering the application.**
- **The grounds, by reference to the provisions of the Act relevant to the specified matter , on which the specified matter is to be considered by the independent adjudicator**
- **The views of the applicant of the means by which, or the manner in which, the specified matter could be resolved; and**
- **Where known to the applicant, any views expressed by the child or young person on the application**