

Frequently Asked Questions

The following questions derive from an ASLO conference on changes introduced by the Education (Additional Support for Learning)(Scotland) Act 2009. Answers are provided in the pages that follow.

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Section 27(3) and (5) of the Education (Additional Support for Learning) (S) Act 2004 requires that the Scottish Ministers must consult each education authority, appropriate agency under the Act before publishing the *code*.

Given that it appears the draft *code* does not have an explanation of the consultation undertaken, can you confirm how the requirement of section 27(3) has or will be satisfied, and which other persons have or will be consulted?

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The *supporting children's learning code of practice* has no teeth and is too vague. It should be more prescriptive. How can you assure people that the changes to the *code* will be sufficient to ensure that problems do not arise to the extent that they have in the past?

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Frequently Asked Questions

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

Section 27(3) and (5) of the Education (Additional Support for Learning) (S) Act 2004 requires that the Scottish Ministers must consult each education authority, appropriate agency under the Act before publishing the *code*.

Given that it appears the draft *code* does not have an explanation of the consultation undertaken, can you confirm how the requirement of section 27(3) has or will be satisfied, and which other persons have or will be consulted?

- A formal consultation process began on 5 October 2009 with the publication and distribution of *The Education (Additional Support for Learning) (Scotland) Acts 2004 & 2009: Consultation on Changes to the Secondary Legislation and Supporting Children's Learning Code of Practice*.
- Letters inviting on-line or written responses were issued to a wide range of stakeholders (4451 in all) including all local authority education and social work departments, health boards, all Scottish schools, colleges and universities, community councils and relevant voluntary organisations.
- The consultation document set out the proposed legislative changes and sought stakeholder's views on the proposed changes. Additionally, Children in Scotland, supported by the Scottish Government, hosted a series of five consultation and information events throughout Scotland during November and December 2009.
- The consultation exercise ended on 8 January 2010 and 237 responses were received from 65 respondents. Officials completed work on changes to the secondary legislation and the *supporting children's learning code of practice* in the light of the consultation.
- The proposals and consultation findings were also discussed by the Additional Support for Learning Implementation Group, a reference group of expert professionals and stakeholders who advised the Support for Learning Division regarding the implementation of the Education (Additional Support for Learning) (Scotland) Act 2009, the revised *supporting children's learning code of practice* and the Regulations which support the 2009 Act

supporting children's learning code of practice

The *supporting children's learning code of practice* has no teeth and is too vague. It should be more prescriptive. How can you assure people that the changes to the code will be sufficient to ensure that problems do not arise to the extent that they have in the past?

- The *supporting children's learning code of practice* (Revised edition) replaces the original code published in 2005 in order to take account of the 2009 Act, accumulated experience and the consultation which was held between October 2009 and January 2010. It is both more detailed and comprehensive than the 2005 edition. Whilst the code as a whole has been revised, particular attention should be given to chapters 4 (a new chapter), 5, 6 and 9 and to annexes C (relating to Co-ordinated Support Plans) and E (Practice matrix: allied health professionals and education working in partnership).
- It explains the duties on education authorities and other agencies to support children's and young people's learning, and provides guidance on the Act's provisions as well as on the supporting framework of secondary legislation. The code uses the term "the Act" to include, where appropriate, the secondary legislative provisions and includes features of good practice on how these can be applied. It also sets out arrangements for avoiding and resolving differences between families and education authorities.
- Education authorities and appropriate agencies, such as NHS Boards, are under a duty to have regard to the code when carrying out their functions under the Act. The code is designed to help them make decisions effectively but it cannot be prescriptive about what is required in individual circumstances.
- The code is intended to explain the principles of the legislation and to illustrate how the law might apply in certain situations. It is important for an appropriate understanding of this framework that this code of practice is read as a whole. Individual chapters should not be taken out of the context of the whole code or read in isolation from each other and the Act and the related secondary legislation.
- The code includes brief case studies and examples of good practice to illustrate some of the processes involved in applying the Act's main provisions. These do not offer definitive interpretations of the legislation since these are ultimately a matter for the courts.
- There are some issues which the code cannot resolve and which must await the authoritative interpretation of the courts. The code is not intended to be a substitute for taking appropriate advice on the legal implications of particular situations.

supporting children's learning code of practice can be accessed at the following address: <http://www.scotland.gov.uk/Publications/2010/08/11140218/0>

Partnership working

(code chapter 1)

What is partnership working and why is it important?

- The Additional Support for Learning Act has a wider impact than education and has significant implications for service providers and professionals working in the health service and in the other appropriate agencies. A key principle within the legislation is partnership working between allied health professionals, education staff and parents.
- Many children who require additional support for learning are likely to receive support from Allied Health Professionals (AHPs), who include speech and language therapists, physiotherapists, and occupational therapists, among others.
- The purpose of partnership working is to improve outcomes for children and young people and the likelihood of success in reaching their potential. Children and their families benefit when AHPs, education staff and parents come together, whether it is in planning, training, assessment or in coordinated support.
- Partnership working should result in “collaborative advantage” – that is an identifiable outcome for children and young people which is more than would be gained by services being provided separately.

What is an appropriate agency?

- An appropriate agency is an agency or any person, specified in the Act, or by regulation, as having duties under the Act. Other agencies, whether statutory or voluntary, may work with local authorities to support a child's or young person's learning without being under a statutory duty.
- An appropriate agency must help the education authority in the exercise of any of its functions under this Act, if requested to do so by the education authority, unless the request is incompatible with the agency's own statutory or other duties or unduly prejudices the agency's discharge of its own functions. Under the Act an appropriate agency is any other local authority, or any NHS Board.
- In addition to the above, the Scottish Ministers have determined that Skills Development Scotland, all colleges of further education and all institutions of higher education, in Scotland, and the Scottish Agricultural College are appropriate agencies for the purpose of the Act.

How can we improve our partnership working in line with ASL?

- Improved partnership working will result in improved outcomes for children and young people so that they will be successful learners, confident individuals, responsible citizens and effective contributors.
- Improved partnership working will involve:
 - engaging with parents and young people as partners, as is required by additional support for learning legislation;
 - planning to support effective partnership working;
 - having a clear understanding of the different roles each person has in supporting children and young people;
 - planning and working together to support children and young people within the context of GIRFEC and CfE;
 - joint continuing professional development and self evaluation, which is one of the most effective ways of improving partnership working; and
 - exercising leadership and recognising the importance of developing personal relationships within partnership working.
- A positive and flexible approach to shared problems and taking responsibility for solution-focused discussions will enable us to meet the demands ahead and improve outcomes for children, young people and their families.
- Considering what difference is being made to children and young people will keep us focused on the ultimate aim, which is working in partnership to improve outcomes for young people so that they are successful learners, confident individuals, responsible citizens and effective contributors.

Guidance on partnership working between allied health professions and education (2010) can be accessed at the following address:

<http://www.scotland.gov.uk/Publications/2010/05/27095736/0>

The 2009 Act and Looked After Children

(code chapter 2)

What duties do local authorities have toward looked after children or young people?

- The 2009 Act automatically deems that all looked after children and young people have additional support needs unless the education authority determine that they do not require additional support in order to benefit from school education. In practical terms this means that education authorities must make arrangements to identify the additional support needs, if any, of every looked after child or young person who is, or is about to be, provided with school education.
- In addition, education authorities must consider whether each looked after child or young person for whose school education they are responsible requires a co-ordinated support plan (CSP).

Why are looked after children and young people deemed to have additional support needs? Doesn't this impose extra burdens on local authorities?

- The reason for deeming that looked after children and young people have additional support needs, unless it can be shown that they do not require additional support to benefit from school education, is that there is considerable evidence that looked after children and young people face significant cultural and institutional barriers which impede their success in education.
- Children and young people who are looked after (both at home and away from home) need individually tailored support to get the best from their school education.
- Providing appropriate support is an important function of the corporate parent responsibilities of local authorities and their service provider partners.

What about looked after children who are under three years of age?

- The requirement to deem looked after children as having additional support needs does not apply to looked after children under school age who are not prescribed pre-school children (that is, who are not receiving school education and who will generally be under 3 years of age).
- Looked after children under school age, and who are not prescribed pre-school children, are not eligible for a CSP since they are not receiving school education. However, when they start receiving school education, at nursery school, for example, and the authority have determined that they have additional support needs, then the authority must consider whether these children require a CSP.

Curriculum for Excellence (CfE) and Getting it right for every child (GIRFEC)

(code chapter 3)

Doesn't including links to CfE and GIRFEC in the statutory code give them a special status?

- The guidance in the *code* outlines links with other legislation and policy, the main purpose of the *code* is to explain the principles of the Act and how the law may apply in certain situations. CfE, in particular, is a curriculum for all and this includes explicitly children and young people with additional support needs.
- CfE and GIRFEC are major policy drivers in Scottish education, but they are not statutory provisions. They are referred to at points in the code to describe the overall context within which the Act applies but they do not themselves impact directly on the legislative provisions of the Act.
- ASL, CfE and GIRFEC share the same principles, such as being holistic, child centred, inclusive and collaborative. ASL relates to specific additional needs, CfE aims to achieve a transformation in school education in Scotland by providing a coherent, more flexible curriculum for all children and young people, whilst the GIRFEC framework supports working together to make things better for all children and young people.

Placing requests and recovery of costs

(code chapter 4)

Who has responsibility for a Co-ordinated Support Plan (CSP) when a placing request has been made?

- The process of making an out-of-area placing request should be the same for every child, regardless of whether they have additional support needs and a co-ordinated support plan.
- The 2009 Act enables parents to make a placing request for their child (including those with a CSP) to attend a school managed by an education authority, other than the authority for the area in which the child lives. (An authority other than the authority for the area in which the child lives is referred to as the host education authority, and an authority for the area in which the child lives is referred to as the home education authority.)
- A placing request can be made to the host education authority for the child or young person to attend a primary school (including a nursery school), secondary school or special school (including a special class or unit) managed by the host education authority.
- Where a child or young person is being educated outwith his/her home authority as a result of a successful placing request then responsibility for the child's or young person's school education transfers to the host authority which is then responsible for all relevant duties under the Act.
- Decisions about additional support needs following a successful placing request are made by considering the provision, whether or not educational, which is additional to, or otherwise different from, the educational provision made generally for children or young people of the same age in schools (not special schools) under the management of the host authority which are responsible for the child's or young person's education.

What about the recovery of costs relating to additional support needs?

- Where a child or young person is being educated outwith his/her home authority as a result of a successful placing request then responsibility for the child's or young person's school education transfers to the host authority which is then responsible for all relevant duties under the Act. For example, where a child or young person requires provision of a psychological service then it would be the service from the host authority that would be involved.
- Where an education authority has provided school education, with or without other services, for any child or young person belonging to the area of some other authority, the host education authority, may, if a claim is made, recover from that other home authority such contributions in respect of such provision

as may be agreed between the authorities or as the Scottish Ministers may determine.

- Mediation and dispute resolution are two exceptions to this provision.
- Where the provision relates to additional support needs then it follows that these needs are assessed against the educational provision generally made in schools (other than special schools) for children or young people of the same age in the host authority.
- There is no obligation on the host authority, following a successful placing request, to provide transport between the child's home address and the school in question.

Co-ordinated Support Plan (CSP)

(code chapter 5)

It has been claimed that (some) local authorities have been failing children and young people by not providing, or making arrangements for the provision of, the additional support contained in a CSP for the child or young person to achieve their educational objectives. Will the 2009 Act make any difference?

- The 2004 Act introduced more rights for parents and young people, including their right to have more say in the educational provision being made, and to request an education authority to establish whether their child has additional support needs and whether they require a CSP.
- The 2009 Act amends and strengthens the 2004 Act. It extends the circumstances in which parents and young persons can make references to the Tribunal to include failure by the education authority to provide, or make arrangements for the provision of, the additional support contained in a CSP which is necessary for the child or young person to achieve their educational objectives. And certain procedural failures of the education authority.
- The Act also extends the power of the Tribunal to require the education authority to take action to rectify the failure by the authority to provide, or make arrangements for the provision of, the additional support contained in a CSP which is necessary for the child or young person to achieve their educational objectives. It also enables the Tribunal to specify a timescale within which such action must be taken.

Is the fact that there are fewer CSPs than initially expected evidence of failure?

- In evidence to the ELLC Committee (10 December 2008) the Tribunal President commented:

“I think that the number of CSPs will continue to be modest. You might be aware that a reason for the great disparity in the number of CSPs in different local authorities seems to be to do with how additional support is delivered to children in schools. If additional support from other agencies is employed by the school through the education system—in-house speech and language therapists, for example—it is argued that there is no need for co-ordination and therefore no need for a CSP, even though professionals from areas other than education are assisting the child.

It is ironic that few children in special schools end up with a CSP, which is the opposite of what we might expect. We would expect almost all children in special schools to be supported by services other than education.

A number of head-teachers of special schools have told me that they have no experience of putting together co-ordinated support plans

because they already employ social workers or provide the whole range of therapies in their schools. I think that there will always be a disparity in the number of such plans; they are more likely to be used by the smaller authorities, which have to contract for and buy in provision in mainstream schools” (Official Report, 10 December 2008, cols 1757-1758).

- With regard to parents regarding CSPs as a gateway to learning support and additional resources (in the way that a Statement of Needs is the passport to services and finance in England) the Act requires education authorities to meet the educational needs of all children, and that delivery of the service does not depend on the possession of a CSP. The Act requires that children receive appropriate support for learning according to their particular need as described in the CSP.
- With regard to completing CSPs, case studies in the *code* have been supplemented to include examples which relate to less clear cut cases and when a CSP is *not* required. This has been done in consultation with the Additional Support for Learning Implementation Group and practitioners

Why doesn't the Scottish Government provide a more specific definition of 'significant'?

(code 5.17-22)

A number of children and young people have additional support needs arising from complex or multiple factors which require a high degree of co-ordination of support from education authorities and other agencies in order that their needs can be met. This support is co-ordinated through the provision of a co-ordinated support plan under the Act.

- The criteria for requiring a CSP includes needs which require the provision of “significant additional support” in order that the child or young person may benefit from school education by at least one appropriate agency.
- The Act does not define what “significant additional support” means, so as to prevent the introduction of a restrictive/limiting understanding of “significant” which might have the effect of excluding a child or young person from receiving the co-ordinated support necessary.
- Following the opinion delivered by Lord Nimmo Smith in the Inner House of the Court of Session in the case of *JT*, the use “significant” signals that the scale of the support provided, whether it is in terms of approaches to learning and teaching (e.g. adaptation or elaboration of the curriculum) or personnel (eg provision of learning support assistant) or resources (eg specialist aid to communication or a special hoist), or a combination of these, stands out from the continuum of possible additional support. The issue of significance thus refers to the extent of the provision.

- Annex C of the *code* provides a series of case studies which illustrate in practical terms how the issue of significance may be considered. Following comments received during the consultation and discussion in the Implementation Group, the definition of 'significant' has been revisited to focus on the 'cumulative effect' of allied professionals' involvement with a child/young person.
- Where a child has several professionals involved from the one appropriate agency, such as from an NHS Board, then the cumulative effect of these professionals' involvement may amount to significant additional support from that agency even although the input from each professional individually is not significant.
- Education authorities have the final responsibility for deciding if the additional support needed is 'significant'.

Transitions

(code chapter 6)

How does the 2009 Act improve the provision of transitions to and from school?

ASL legislation and transitions

- The 2004 Act provides a comprehensive framework in Scotland to assess and support all children and young people with additional support needs including their planning and support at all periods of transition in their school education.
- The 2009 Act builds on the existing legislation to create a stronger, better system for parents and young people. The Act is supported by the Changes in School Education Regulations which specify the action that the education authority must take at various transition points in a child's or young person's school career.
- New duties include:
 - placing education authorities under a duty to seek and take account of the child's views (unless the authority are satisfied that the child lacks capacity to express a view) in relation to any information to be provided to an appropriate agency or agencies regarding the child leaving school,
 - giving parents and young people increased rights to take matters to the Additional Support Needs Tribunals for Scotland to consider references in relation to an authority's failure to comply with its duties in terms of post-school transitions.
- Education authorities should have appropriate arrangements in place to ensure that changes in school education for all children and young people can be as smooth as possible.
- Transition planning is expected to be embedded within the education authorities' policies and procedures for additional support needs.
- Transition planning needs to be co-ordinated by one person, and when there is multi-agency involvement then a lead professional should be involved.

Preparing for adulthood

- In their final years at school, children and young people with additional support needs should engage in the transitional planning process to help them to prepare their plans for the next stage in their education, training or employment. Whatever children and young people require to learn in order to make the transition successful should, in good practice, be planned for carefully in a timely manner and be kept under review.

Resolving disputes

(code chapter 8)

What happens if a dispute arises between an authority and any parent or young person about the way the authority is exercising its' functions under the Act?

The Act, as amended, makes provision both for mediation services and arrangements for external independent adjudication (dispute resolution) to resolve disputes. It also provides parents and young people with rights to refer particular matters to the Additional Support Needs Tribunals for Scotland ("the Tribunal") (code 8).

It requires education authorities to publish information on their dispute resolution procedures and keep that information up-to-date and under review. This information should be readily available to parents and young people

The Act enables the Scottish Ministers to require education authorities to put in place procedures to resolve disputes which arise between the authority and any parents or young people regarding the authority's exercise of any of their functions under the Act, as prescribed in Regulations. The procedures must be free of charge. Parents, and young people, cannot be compelled to use any dispute resolution procedure put in place. Also the use of dispute resolution does not affect their entitlement to make a reference to the Tribunal, or any other statutory review system, where appropriate.

Mediation

- The Act, as amended, requires every education authority to have an independent mediation service in place for disagreements relating to matters concerning the exercise of the authority's functions under the Act. It allows disputing parties to seek to resolve their differences with the assistance of a mediator acting as an impartial third party. Mediation is free of charge to parents and young people.
- Those accessing the mediation services may belong to the area of the authority but they need not (for example, following a successful out-of-area placing request or submission of an out-of-area placing request).

Independent adjudication (dispute resolution)

- the procedure for resolving disputes allows for a formal review of an individual case by an independent third party, external to the local authority, who considers the circumstances leading to the disagreement and makes a report with recommendations for all parties. The referral for dispute resolution is made to the Scottish Ministers and dispute resolution is free of charge to parents and young people.

- As with mediation services, under the Act, as amended, access to an education authority's dispute resolution arrangements is not restricted to parents of children or young people belonging to the area of the authority.

How is an application for independent adjudication (dispute resolution) processed?

- All requests for dispute resolution by parents or young people are to be made to Scottish Ministers, and should be sent to Support for Learning, 2-C South, Victoria Quay, Edinburgh EH6 6QQ. An advocate, supporter or member of a voluntary organisation may help a parent or young person to complete the application.
- Within five working days of receipt of the referral, Scottish Ministers will refer the application to the relevant education authority for consideration. Within a period of 10 working days from the date of receipt of such an application, the authority must either accept the application and write to Scottish Ministers for nomination by them of an individual to act as an independent adjudicator or send the applicant notice of their decision not to proceed with the application and their reasons for that decision.

What role do the Scottish Ministers have in the process?

- Scottish Ministers are (generally) not involved in the competence of individual case but will provide low level informal monitoring of the progress of an application.
- Scottish Ministers will keep a record of all applications for dispute resolution and will contact an educational authority directly if, after 10 working days, Scottish Ministers have not received a request from the authority for the nomination of an independent adjudicator.

Additional Support Needs Tribunals

- The Act, as amended, enables the Tribunal to hear references from parents and young people on matters relating to:
 - co-ordinated support plans,
 - appeals against refusals of placing requests to special schools, and
 - school to post-school transitions.

The Tribunal's statutory functions, decisions and dealings with its users and the public are independent of national and local government. There is no charge to parents and young people for making a reference to the Tribunal.

- The relevant education authority is responsible for informing parents of their right to make a reference to the Tribunal, whenever the authority make a decision in relation to any of the matters listed above. Education authorities should explain this right to make a reference in any relevant documentation such as, for example, that which accompanies a co-ordinated support plan.

- In exercising its powers in relation to a reference made to it, the Tribunal must take account of *supporting children's learning code of practice*.

Advocacy service

When will we know about an advocacy service, and will you protect the position of Independent Special Education Advice (ISEA)?

- During the Stage 3 debate on 20 May 2009 Adam Ingram MSP, Minister for Children and Early Years, commented:

“The undertaking that I have given [in discussion with the committee at its evidence-gathering session on 22 April 2009] is to establish a representative advocacy service at tribunals for all parents and young people throughout Scotland. *I also advised that I expected that the service would help parents and young people with independent adjudication and with other remedies that are open to them to resolve disputes with education authorities.* Amendment 18 is somewhat narrower, as it would exclude any help with other dispute resolution mechanisms.

Furthermore, I have concerns about the definition of "advocacy service" that is contained in amendment 18. The definition makes no mention of empowering parents or young people to speak up for themselves to secure their rights. I know that a number of advocacy providers share my concern about that” (Official Report, 20 May 2009, col 17594).

- Scottish Ministers recognise the importance of advocacy organisations, such as ISEA, in helping parents and young people to make informed decisions about the way forward.
- Scottish Ministers are required, under the 2009 Act, to establish a single national advocacy service to parents and young people following a reference being made to the Additional Support Needs Tribunals for Scotland (ASNTS). This service will be available to parents and young people on request and free of charge. In addition, Ministers propose to also provide support to parents and young people from the time they have grounds to make a referral to the ASNTS.
- Officials have engaged in a competitive tendering exercise to enable a grant to be paid to one organisation, or more than one if they are working as a partnership/consortium, to deliver the advocacy service. The intention is that the new service will support, and be complementary to, the existing support organisations for parents and young people in Scotland, *and will support parents and young people to first seek informal resolution with local authorities and schools to resolve disagreements.* It is anticipated that the new advocacy service will commence in autumn 2010.

Provision of published information

(code chapter 9)

What information are local authorities required to publish relating to additional support needs, and how can I access it?

- The 2004 Act, as amended, places authorities under a duty to ensure that a summary of the information published under section 26 of the 2004 Act is available (readily and free of charge), on request, from each place in the authority's area where school education is provided, regardless of whether the school is under the management of the education authority. (School in this context includes nursery schools and other pre-school education providers.)
- It requires an education authority to publish information about a range of specified matters relating to additional support needs, including:

Additional Support Needs

- the authority's policy in relation to provision for additional support needs
- the authority's arrangements for identifying children and young people with additional support needs and those who may require a co-ordinated support plan together with the particular additional support needs of those so identified
- the role of parents, children and young people in any of these arrangements
- the arrangements for monitoring and reviewing the additional support needs of, and the adequacy of additional support provided for, each child and young people with additional support needs
- the management of reviews
- arrangements for support for learning
- how parents or young people can make requests for assessment
- the types of support available.

Dispute Resolution

- arrangements for independent mediation services, including details of the service and how to access it
- procedures for dispute resolution, including details of the service and how to access it
- right to make a reference to the Tribunal, whenever the authority make a decision in relation to co-ordinated support plans; appeals against refusals of placing requests to special schools; and school to post-school transitions.

Information/advice

- the officer(s) in the authority from whom parents of children having additional support needs, or young people who have these needs, can obtain further information and advice

- information about any NHS Board in their area or part of the area from whom parents of children having additional support needs, or young people who have these needs, can obtain further information and advice
- such other recognised agencies or organisations that can provide further support, information and advice to parents and young people that it considers appropriate, including information about support and advocacy
- any other persons specified in an order made by the Scottish Ministers from whom parents and young people can obtain further advice, information and support in relation to the provision for additional support needs, including information about support and advocacy.

Accessibility

- information should be available on request in alternative forms such as on audio tape, in Braille or through video recording so that sign language, such as British Sign Language, can be used to provide information.
- where the authority are satisfied that the young person lacks the capacity to understand the information which is published, that information should be sent instead to the young person's parent.

Appropriate Agencies and Sources of Information

- authorities must also publish information about any NHS Board in their area or part of the area and such other recognised agencies or organisations that can provide further support, information and advice to parents and young people that it considers appropriate and where this information is already known to the education authority or is easily obtainable.
- authorities must also include in published information national bodies providing these services and information named by the Scottish Ministers.

Communication and implementation plans

What plans are there to publicise and prepare for the implementation of the changes to the legislation?

‘Just Ask’ campaign

- During the Parliamentary passage of the Education (Additional Support for Learning) (Scotland) Act 2009, opposition MSPs were concerned that parents and young people did not know enough about their rights under the ASL legislation. In response to this, the Government launched a national campaign (at a cost of approximately £300,000) to build awareness of the availability of additional support for learning, for all children and young people who need it.
- The campaign - which used the strap line ‘Just Ask’ - aimed to increase parents' and young people's general awareness of their rights in relation to additional support for learning and to develop a greater understanding of the diverse range of issues (from bullying to bereavement, from dyslexia to divorce) to which additional support can apply. A mix of television programming (“infomercials”), local radio, online and field marketing is being employed, supported by editorial coverage in newspapers and broadcasting.
- Four major bursts of media activity in support of the campaign were broadcast on STV (running at peak times of viewing), between the beginning of November 2009 and the end of March 2010.

The Additional Support for Learning Implementation Group

What is the Implementation Group?

- The Additional Support for Learning Implementation Group provides a reference group of expert professionals and stakeholders who advise the Support for Learning Division as they implement the Education (Additional Support for Learning) (Scotland) Act 2009, the revised *supporting children's learning code of practice* and the Regulations which support the 2009 Act.
- The Implementation Group comprises local authorities, unions, front line staff, voluntary sector organisations, representatives of partner agencies such as colleges and Health Boards as well as parental representatives. It draws on their own perspectives and expertise as specialist professionals and/or stakeholders to develop, among other things, an action plan for effectively implementing the new legislation and the revised *code* for commencement on 14 November 2010.

Commencement

When will the amended legislation become effective?

- The Scottish Government's original intention was to commence the 2009 Act in August to coincide with the start of the new school term and the implementation of CfE. The unanimous advice from the Implementation Group, however, was that commencement should be delayed until 14 November 2010.
- The Group was concerned that local authorities, schools and those involved in delivering education for children and young people would be focused on other aspects of CfE. Concern was expressed that the importance of the changes resulting from the 2009 Act, and which aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential, might be lost if the legislation were introduced in August.
- Local authorities also sought more time to enable them to deliver training programmes early in the Autumn term to facilitate implementation of the legislation.
- Discussions with parental representatives on the Group indicated that they are sympathetic to this argument and their primary concern is to ensure a smooth implementation with appropriate training and support in place.
- Adam Ingram MSP, Minister for Children and Early Years, accepted the Group's advice that the commencement of the 2009 Act should be delayed until 14 November on the clear understanding that local authorities use the additional time requested to deliver appropriate training.

What training will be provided for the commencement of the changes around addition support?

- The provision of training resources for education staff is the responsibility of local authorities. Learning Teaching Scotland (LTS), however, is currently developing, in collaboration with the Implementation Group, models of good practice for continuing professional development.
- This good practice will focus, in particular, on training which is currently being delivered in local authorities in the area of changes to the ASL legislation; decision making in relation to CSPs; and approaches to additional support needs in terms of staged intervention.
- The materials developed will be online resources which individual schools, local authorities and practitioners can use to suit their particular needs.

