



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

Education Service

A Guide to Getting Help and Resolving Disagreements



Introduction

A Guide to Getting Help and Resolving Disagreements

The Education (Additional Support for Learning) Act 2004 was amended in 2009. It is sometimes referred to as the ASL Act 2009. The Act places duties on local authorities to meet the needs of children and young people who have additional support needs.

Parents and carers need to be fully involved in discussions about a child or young person's additional support needs, and if necessary, given support to take part in meeting and discussions.

The amended Act serves to promote further the involvement of children and young people and their parents and carers in decision making by strengthening their rights. These rights include:

- Having the views of the parents and carers and child or young person sought and taken account of
- Receiving information or advice about how the Education Authority provides additional support
- Being involved in planning how to meet the child's educational objectives
- Requesting a specific type of assessment at any time when the Authority is considering whether the child has additional support needs or may require a Co-ordinated Support Plan
- Having a supporter or advocate present at any meeting
- Having access to free mediation and dispute resolution services, completely independent of the Authority
- In the case of Co-ordinated Support Plans, placing requests, post-school transitions or issues relating to the Equalities Act 2010, access to the Additional Support Needs Tribunal system



A Guide to Getting Help and Resolving Disagreements

Clackmannanshire Council and Stirling Council Joint Education Service is committed to working in partnership with parents and most situations can be addressed through school and other education staff and parents/carers working together. However, there may be times when parents feel the need for further support. There are a number of ways parents can get help.

Advocacy

Parent and young people have the right to have a supporter or advocate to help them understand their rights, prepare for and contribute effectively in meetings and to have their voices heard.

Supporters

A supporter can be anyone the parent or young person wants to nominate. They could be a relative, friend, befriender or voluntary organisation worker. The supporter could also be a professional working with the family provided there is no conflict of interest with that professional's duty under the Act or his/her responsibilities as an employee.

Advocates

Parents or a young person can appoint a person to conduct all or part of any discussion with the Education Authority or to write to the Authority on their behalf. This person is known as an Advocate and can come from a range of backgrounds.



The Education Authority does not provide or pay for supporters or advocates (unless in relation to an Additional Support Needs Tribunal – see section on Tribunals in this leaflet) however the ASN Officer in Education can help to find local advocacy services. Please call 01259 450000 or email education@clacks.gov.uk

Complaints

Any complaints should be directed to the school in the first instance. If parents or carers do not feel the complaint has been resolved, they should next approach the education link officer for the school who will investigate the complaint on behalf of the Education Authority.

Mediation

Mediation is another way of resolving disagreements at an early stage to prevent them escalating. It helps parents and young people, nurseries and schools to come to an agreement on how to resolve the problem themselves. It can also help families and the Education Authority build or rebuild positive relationships. Mediation can be used more than once and at any time during a disagreement however it can only be used if the disagreement is in relation to the Education Authorities duties under the ASL Act. Also, the use of mediation services does not affect the right of the family to refer any matters to other formal routes.

For more information on Mediation services in the local area please contact the ASN Officer, Education on 01259 450000 or email: education@clacks.gov.uk

A Guide to Getting Help and Resolving Disagreements

Dispute Resolution

This is a more formal route and applications are made to the Scottish Ministers who will then refer it to the appropriate Education Authority. An independent adjudicator is appointed and they will look at the disagreement from both sides and make recommendations for both parties on the best way forwards. The process should take no more than 60 working days.

Disagreements referred using this route may be about:

- Whether or not a child has additional support needs
- If a child has additional support needs, the accuracy of the description of these needs
- The refusal of the Education Authority to establish whether a child has additional support needs when requested to do so by the parents
- The refusal of the Education Authority to respond to a request for an assessment
- The person carrying out an assessment or the method of carrying it out
- The failure of the Education Authority to provide or make provision of additional support
- The failure of the Education Authority to request help from an appropriate agency

All referrals should be made in writing and sent to the Scottish Ministers at:

Support for Learning (section 70)
Area 2c South
Victoria Quay
Edinburgh
EH6 6QQ



A Guide to Getting Help and Resolving Disagreements

For further information on how to access Dispute Resolution and how to make a referral please contact:

- Enquire – The Scottish Advice Service for Additional Support for Learning – www.enquire.org.uk. Tel: 0845 123 2303 or email: info@enquire.org.uk

Additional Support Needs Tribunals

These have been set up to allow parents and young people to appeal decisions made by the Education Authority on matter relating to:

- Co-ordinated support plans (CSPs)
- Placing requests (only in relation to special schools and/ or when CSPs are involved)
- School to post-school transition.
- Issues relating to the Equalities Act 2010

A reference to a tribunal can only be made if the Education Authority is responsible for that child's education. For example, if a parent has placed their child in an independent school they are not able to make a reference to the Tribunal.

As part of the 2009 Act the Scottish Government provides an advocacy service to parents and young people making a reference to the Additional Support Needs Tribunal. The service is available from the time there are grounds to make a reference. This is a national service and is available on request and free of charge.

A Guide to Getting Help and Resolving Disagreements

This National Advocacy Service is provided through a partnership between the Scottish Child Law Centre and Barnardo's. The two organisations will work together to provide lay and legal advocacy for young people with additional support needs and their parents/ carers. In complex cases legal representation may be available. For further information please contact the Scottish Child Law Centre:

- Tel: 0131 6676333
- Email: enquiries@sclc.org.uk
- Website: www.sclc.org.uk

The President of the Tribunal also has the power to monitor the implementation of any decisions made at that Tribunal. The President of the Tribunal has also produced detailed guidance for parents, Education Authorities and other on how to make a reference and how the Tribunal operates. If you need general advice on how to make a reference to the Additional Support Needs Tribunals for Scotland you can contact them on:

- Helpline: 0845 120 2906
- Fax: 0141 242 0360
- Email: inquiries@asntscotland.gov.uk
- Website: www.asntscotland.gov.uk

If you require further information on getting help and resolving disagreements please contact the ASN Officer, Education on 01259 or email: education@clacks.gov.uk

You can also get help and advice on any aspect of additional support needs from the Councils website www.clacks.gov.uk or at the Scottish Advice Service for Additional Support for Learning – Enquire.

Clackmannanshire Council

Phone 01259 450000

Email education@clacks.gov.uk

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