

Additional Support Needs

What are additional support needs?

A child or young person has additional support needs if, for whatever reason, they require additional support to benefit from school education.

There is no requirement for a diagnosis of any kind. Additional support needs need not be related to a disability and need not be long term. All pupils should receive the support they require to access and benefit from school education.

There may be a variety of factors which give rise to additional support needs, including medical conditions and disabilities; family or home circumstances; social or emotional issues; or the learning environment.

- **The Education (Additional Support for Learning) (Scotland) Act 2004** sets out the law in relation to education for children and young people with additional support needs.
- **Looked after children** are presumed in law to have additional support needs and should be treated as such unless they are formally assessed as not having additional support needs. Looked after children with additional support needs must be assessed for a Co-ordinated Support Plan (CSP).

What support should be provided?

Every education authority must make **adequate and efficient** provision for the additional support needs of children and young people with such needs.

- These supports should be reviewed and updated regularly, but there is no list of set supports which should be provided to pupils with particular needs.

- The support provided should be based on the pupil's individual needs and circumstances.

Assessment

Education authorities have a duty, where formally requested, to carry out assessments in relation to a pupil's additional support needs.

This may include inviting educational psychology, medical professionals such as speech and language therapists or social work services to assess the child or young person.

Assessment is a broad term. So, educational psychology, for example, will often speak with parents, teachers and observe the pupil as part of an assessment. It does not necessarily mean that the child will undertake direct testing.

Who is required to provide support?

The education authority is required to make arrangements for suitable support to be made available if it is required for a pupil to benefit from school education. This may include pursuing support from health agencies such as CAHMS.

Supporters and advocacy

Parents, children and young people are entitled to have another person known as a supporter with them during discussions with the education authority in relation to their or their child's additional support needs.

Parents, children and young people are also entitled to have an advocate to conduct discussions or make representations to the education authority on their behalf.

Co-ordinated Support Plans (CSP)

A child or young person requires a CSP where :

- an education authority are responsible for the school education of the child or young person (this means children who are home educated, or attending a mainstream independent school will not be entitled to a CSP);
- the child or young person has additional support needs arising from one or more complex factors, or multiple factors that are not themselves complex but taken together become complex;
- those needs are likely to continue for more than a year; and
- those needs require significant additional support to be provided by the education authority, plus:
 - by a local authority service other than education (e.g. social work), or
 - by one or more appropriate agencies (e.g. NHS services, Skills Development Scotland etc).

The 2004 Act provides special rules for **Placing Requests** for children and young people who have additional support needs.

Mediation and dispute resolution is also available under the 2004 Act.

Who can make use of these rights?

- **Parents** - this includes guardians, non-resident parents and those looking after a child on a day to day basis (e.g. foster carers).
- Once a child reaches the age of 16, they become a “young person”. At this stage the young person assumes all of the parental rights under the additional support for learning legislation. If the young person does not have legal capacity, the rights remain with their parents.

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- **Qualifying children.** A child aged 12-15 years can exercise their own rights in respect of their additional support needs (where the education authority are satisfied that they have capacity and that exercising their rights would not have an adverse effect on their wellbeing).
 - Children who satisfy these criteria may make use of all the rights under the Act, with the notable exceptions of making a placing request and requesting mediation.