

Included, Engaged & Involved

Identifying, Assessing and Providing for Additional Support Needs of Children and Young People

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Preface

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Contents

1	Introduction	5
2	Identifying and Assessing Additional Support Needs	7
2.1	Child's Planning Framework.....	7
2.2	Identifying Additional Support Needs.....	8
2.3	Children under 3-years.....	8
2.4	Pre-school and School Age Children and Young People	9
2.5	Assessment of Additional Support Needs.....	9
2.6	Parental Request for Assessment	9
3	Providing for Additional Support Needs	10
4	Planning for Additional Support Needs	11
4.1	The Child's Plan	12
4.2	Individualised Educational Plan	12
4.3	Co-ordinated Support Plans.....	15
4.4	Other Planning Formats	18
5	Transitions.....	19
5.1	Statutory Timescales.....	19
5.2	Progressing Beyond School.....	20
5.3	Transitions - Good Practice	21
6	School Placements	22
6.1	Mainstream Schools.....	22
6.2	Specialist Education Provisions.....	22
6.3	Education Resource Group	23
6.4	Placing Requests	23
6.5	Children and Young People Moving into East Lothian.....	24
6.6	Home and Private Education	24
7	Looked After Children and Young People	26
7.1	Children and Young People 'looked after' by another Local Authority enrolling in an East Lothian School.....	27
8	Young Carers	27
9	The Rights of Children over 12 Years	28
9.1	Assessment of Capacity	29
10	Working with Children, Young People and Parents.....	31
10.1	Involving Children and Young People	31
10.2	Communicating with Children, Young People and Parents	33

11	Resolving Disagreements	34
11.1	Complaints	35
11.2	Mediation.....	35
11.3	Dispute resolution.....	36
11.4	Health and Education Chamber of the First-tier Tribunal for Scotland.....	37
11.5	Let’s Talk ASN.....	39
11.6	My Rights My Say	40
	Appendix 1: Duties of the Education Authority under the Additional Support for Learning (Scotland) Act 2004 (as amended)	41
	Appendix 2: Specialist Provisions and Special Schools	43
	Appendix 3: Grounds for Refusing a Placing Request.....	52
	Appendix 4: Transition Timeline	54
	Appendix 5: Services and Other Useful Contacts	56
	Appendix 6: Links to Legislation and Local/National Guidance	69

1 Introduction

East Lothian Council believes that inclusion is the cornerstone that will help schools to achieve equity and excellence in education for all our children and young people. An inclusive approach, with an appreciation of diversity and an ambition for all to achieve their full potential is essential to getting it right for every child and raising attainment for all.

The purpose of this document is to outline the ways in which East Lothian Council will meet the needs of children and young people who experience barriers to learning as a result of additional support needs, disability or factors impacting on their wellbeing.

The legislative and policy landscape includes, but is not limited to, the following:

- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendment in 2009) outlines the concept of additional support needs and the functions and duties that are placed on education authorities to identify and support those needs (see Appendix 1: The duties of the Authority under the ASL Act).
- The *Children (Scotland) Act 1995* represented a fundamental shift in emphasis from parents having rights over children to the principle that parents have responsibilities towards their children. The Act also made it essential that local authorities, NHS Health Boards and all professionals and agencies work in collaboration to provide integrated services for children and families.
- The *Standards in Scotland's Schools etc. (Scotland) Act 2000* requires education authorities to provide education for all children in mainstream schools, except under certain circumstances. In addition, it placed a new duty: to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential and to involve them in decisions, which will affect them significantly.
- The *Education (Disability Strategies and Pupil Records) (Scotland) Act 2002* requires schools to make reasonable adjustments for the needs of disabled children and ensure they must not discriminate against disabled children. The Education Authority must prepare and implement an accessibility strategy to increase the access of its disabled pupils to the curriculum, extra-curricular activities, to school buildings and to information.
- *Supporting Children's Learning: Code of Practice (third edition) 2017* explains the duties placed on Education Authorities and other agencies to support children and young people's learning. It provides guidance on the ASL Act's provisions as well as on the supporting framework of secondary legislation.
- The *Equality Act (2010)* simplified and strengthened previous protections for children and young people with 'protected characteristics' (e.g. age, race, disability and sexual

orientation) from discrimination. This strengthened inclusion in education, including school trips and activities, for all children and young people regardless of their additional support needs or disability.

- The *Children and Young People Act (2014)* has wide reaching powers to promote the Scottish Government's aims to encourage effective and targeted services for children and families as well as the promotion of children's rights. Through the Getting It Right for Every Child (GIRFEC) National Practice Model, the Act promotes cross-boundary models of service delivery to make best use of expertise and resources in an integrated way with the wellbeing of children and young people being paramount. The wellbeing indicators (safe, healthy, achieving, nurtured, active, respected, responsible and included) ensure that a holistic approach is taken to ensure the wellbeing of all children and young people. The Act also introduced increased provision of early learning and childcare and a range of corporate parenting responsibilities to promote the wellbeing of children and young people in care.
- The *Carers (Scotland) Act 2016* (implemented in April 2018) states that each Local Authority has a duty to prepare an overarching young carer statement plus prepare for each young carer an individual statement which identifies personal outcomes, identified needs and any support to be provided to meet those needs.
- *Curriculum for Excellence* aims to provide a coherent, more flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- The *National Improvement Framework* for Scottish Education sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework, part of the Education (Scotland) Act 2016, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.

Taken together, each requires Education Authorities to consider a wide range of issues facing children and young people and put in place processes and supports to:

- Identify and provide support to allow children and young people to overcome any barriers to learning and reach their full potential;
- Prevent discrimination of pupils with disabilities and protected characteristics and provide reasonable adjustments to ensure equality of opportunity in learning;
- Plan for accessibility of the curriculum, school information and physical access;
- Consider the wellbeing of children and young people.

2 Identifying and Assessing Additional Support Needs

This section sets out the guidance for identifying, assessing and providing for the needs of Children and Young People with additional support needs. The guidance is considered against a background of East Lothian's approaches to assessment and provision for meeting children's needs. It reflects the values and principles of Curriculum for Excellence and the national approach of Getting It Right for Every Child (GIRFEC).

2.1 Child's Planning Framework

East Lothian's Child's Planning Framework builds on existing processes for meeting learner's needs, but also takes account of the National Practice Model within the legislation of the Children and Young People (Scotland) 2014 Act. It is child-centered, holistic and integrated in its approach to ensure that children and young people with additional support needs or wellbeing concerns, and their families, receive the earliest, most effective and least intrusive response.

The Child's Planning Framework is a dynamic framework where assessment is directly linked to intervention. Key to its success is parents, carers, children and young people, and agencies working together observing and recording, gathering information, carrying out interventions and evaluating progress.

The Framework is a staged intervention model with three levels under which the additional support needs of children and young people are identified, assessed, planned for and met. The additional support needs and wellbeing needs of children and young people at the level of universal and additional will generally be met in mainstream schools. Children and young people who require targeted support often have needs that are required to be met in specialist provisions.

The three levels of the Child's Planning Framework are as follows:

Universal	Additional support/ wellbeing needs are met in classroom by the class teacher. Differentiation/modification to the curriculum/environment may be required. Advice and support may be provided by Support for Learning staff or school nurse.
Additional	A higher level of intervention required is over a sustained or planned period and may require support from other agencies out with the school e.g. Speech and Language Therapy, Children's Services, Educational Psychology Service. Detailed planning is required and recorded in a Child's Plan and/or Individualised Education Plan.
Targeted	Children and Young People with significant and continuing level of need requiring multi-agency support e.g. Exceptional Needs in place; educated within a specialist provision; children looked after by Local Authority. Detailed planning is required and recorded in a Child's Plan and Individualised Education Plan. A Co-ordinated Support Plan may also be required.

See Child's Planning Framework Practice Guidelines August 2017 for further information.

2.2 Identifying Additional Support Needs

Children and young people may have additional support needs if they are unable to benefit from their school education without help beyond that which is normally given to children or young people of the same age. Children and young people may have additional support needs at any time during their school life. It is not possible to list all the circumstances where this may be the case because every learner is different and one thing that affects one child's learning could have little or no effect on the learning of another.

The following are examples of situations that may give rise to additional support needs:

- learning environment - access to an appropriate curriculum, English as an additional language
- family circumstances – family breakdown, being a young carer, being looked after, housing issues
- disability or health need – autism, mental health problems, temporary or longer term physical condition
- social or emotional problems – bereavement or loss, misuse of drugs or alcohol by the young person and/or parents/carers

All children and young people who are 'looked after' by the Local Authority are considered to have additional support needs, unless assessment concludes that they do not.

East Lothian Council is responsible for making arrangements to identify additional support needs and this happens by working in close cooperation with parents/carers and other services and agencies in contact with children and young people through the Child's Planning Framework.

It is important to identify additional support needs as early as possible, as early action is helpful in its own right and can help to prevent further difficulties developing later.

2.3 Children under 3-years

East Lothian Council works closely with colleagues from other agencies and services who have contact with children in the first few years of life (e.g. family or hospital Doctor, a Health Visitor or a Social Worker).

When information is received about a child who may have a disability and/or complex additional support need we will use this information to plan and support an appropriate transition into an Early Learning and Childcare (ELCC) setting at least 6-months before they are due to start.

When a child has been identified as having a disability or complex additional support needs before the age of 3 years they should be referred to the pre-school outreach teacher and/or the appropriate specialist service (see Appendix 5). With consent, the pre-school outreach teacher or relevant specialist service will arrange to visit the family at home to assess the child's needs and put in place appropriate support. In these cases, the pre-school outreach teacher will be involved in supporting the transition to an ELCC setting and may continue to offer support until the child fully transitions into school.

2.4 Pre-school and School Age Children and Young People

All East Lothian Council ELCC settings and educational establishments have staff who are able to recognise whether a child has an additional support need. If a parent thinks their child may have an additional support need they should speak to the staff working with their child. Staff will listen carefully, record the parent's concerns, and will be able to give advice and/or take the necessary action. All educational establishments use the Child's Planning Framework which clearly outlines the path they should take to identify and meet the additional support need or wellbeing concern. All educational establishments have access to advice from a wide range of services and agencies to support them in this process such as the Educational Psychology Service (see Appendix 5).

2.5 Assessment of Additional Support Needs

Assessment helps to identify whether a child or young person has an additional support need and determines what kind of support should be put in place. Assessment is a key feature of education and children's needs should be assessed informally and formally as part of nursery and school staff's day-to-day work with a child. It should involve gathering evidence of progress, giving feedback on their strengths and identifying areas of improvement. The assessment should involve all those who know the child or young person well and take into account all aspects of their wellbeing. The National Practice Model should be used in all cases.

Specialist assessments are often required when a child or young person's needs are more complex. Education staff and other agencies will always gain consent from parents/carers and children over 12-years to share information.

2.6 Parental Request for Assessment

A parent or a young person over the age of 12 years can request an assessment to identify additional support needs, as well as requesting a specific type of assessment. In the first instance, the parent or young person will be encouraged to discuss their request with relevant school staff. Alternatively, they can make their request directly to the Service Manager additional support needs (see Appendix 5).

If East Lothian Council have arranged to place a child or young person in an establishment in another Education Authority, a parent or young person should make their request by contacting the Service Manager additional support needs. However, if the parent has chosen to send the child or young person to an establishment in another Local Authority, then the parent or young person must make their request to the Local Authority in question.

Any request made must include a reason/reasons for making the request and should be made in writing, by e-mail or other written form that can be kept and referred to later.

If East Lothian Council agrees to a request, we are still responsible for deciding which professional should carry out the assessment(s). A parent or young person can request that it be carried out by a particular professional but we do not have to agree to this. However, the parent or young person could take action themselves to obtain an assessment from a particular professional and then pass this assessment onto us, which we would then have to take into account.

If we decide a request is unreasonable, we must give clear reasons for this decision and the parent or young person can appeal against this decision (see section 9 – Resolving Disagreements).

For children and young people who are educated by their parent(s) at home, or in an independent nursery or school funded by their parent(s), the parent or young person or nursery/school staff can request East Lothian Council provide support by contacting the Service Manager additional support needs. In this situation it is general practice to provide advice but no other form of support, as East Lothian Council can provide support more efficiently in a placement which is managed and funded by the authority.

3 Providing for Additional Support Needs

East Lothian Council is required to provide adequate and efficient provision to meet the additional support needs of each child and young person for whom they are responsible. When providing support the authority is not required to do anything out-with our powers or anything that would result in unreasonable public expenditure. Judgements with regard to this can only be made when considering the needs and circumstances of individual children and young people.

The Standards in Scotland's Schools Act (2000) states that children should attend mainstream schools unless there are exceptional circumstances that prevent this. The additional support needs of almost all children and young people who require universal, additional and targeted support are met through the range of provision available within mainstream schools. In East Lothian Council, all schools receive a predictable needs budget based on school roll and level of deprivation. In many cases this is used to fund Support for Learning (SfL) staff who can assist class teachers to identify and address additional support needs through a range of support and intervention strategies through their five nationally recognised roles:

1. co-operative teaching
2. consultancy

3. staff development and training
4. tutoring and teaching pupils
5. providing specialist services

A Nursery Nurse, Classroom Assistant or Pupil Support Assistant may also provide support for pupils; they work with individuals or small groups of children and young people as required. The support given will be designed to achieve the maximum independence for the child or young person and to facilitate access to the curriculum as unobtrusively as possible. In secondary schools, guidance staff play a crucial role in supporting pupils.

In every school, a member of the Senior Leadership Team will have the responsibility for overseeing and coordinating matters relating to additional support needs. Information about how support is delivered and managed in each school should be outlined in the school's handbook.

In addition to predictable needs funding, schools can apply for Exceptional Needs funding for children and young people who have additional support needs that are complex and enduring but of relatively low incidence. Further information can be found in East Lothian Council's Allocation of Resources to Support Children and Young People with Additional Support Needs guidance 2017.

A wide range of services offer support to establishments in meeting the additional support needs of their children and young people (see Appendix 5).

4 Planning for Additional Support Needs

Planning for learning is an ongoing process subject to continuous review, through early learning and childcare, school and beyond into lifelong learning. Almost all children and young people who have additional support needs will have their learning and wellbeing met by day-to-day nursery or classroom practice. This practice is subject to normal planning processes such as curriculum planning and monitoring, self-evaluation, quality assurance and external professional monitoring.

Planning for individual learners is not just about writing a document. It offers opportunities for everyone involved to develop increased knowledge and understanding of the child or young person, by learning about how they cope across contexts. It encourages parents, professionals and the child or young person to develop joint commitments to achieving shared and agreed aims and targets. It enables parents to develop their understanding of how staff in school are working with their child. It enables children and young people to have a better understanding of the purposes and outcomes of the activities they do in school. It ensures that members of the school team identify and own their responsibilities to the child or young person.

The key partners involved in planning are school staff, the parents, any other professionals involved and - wherever possible - the child or young person. All should be involved in identifying and agreeing the targets and in implementing, monitoring and reviewing the plan. It is essential that everybody involved in contributing to and/or reviewing a plan has access to a shared information

and knowledge base. Designated time for education staff to meet and share information with other professionals and with families is also key to achieving this.

Every plan should build on the outcomes of targets/goals identified previously. Have targets been achieved? If not, why not? Are the targets previously identified still relevant and/or appropriate? Are there other targets that have a greater priority/relevance? What assessment is required to support the identification of new targets?

Monitoring and evaluation of the achievement of targets should be 'built in' and ongoing. A child or young person's 'failure' to achieve targets is primarily the responsibility of the adults involved in identifying targets and in carrying out the intervention aimed at helping them achieve the targets agreed. It is important that all those involved have ownership of the plan and evaluate, on an ongoing basis, the appropriateness of targets agreed and adapt/change strategies and resources identified as necessary.

Where a child or young person is likely to have significant lifelong additional support needs the plan should be a document which co-ordinates action inside and outside school to develop the child or young person's social, life and independence skills. For these children and young people some targets may be set for longer than one year (i.e. continue throughout their time in school education) and may need to be broken down into targets achievable within the school year.

4.1 The Child's Plan

The Child's Plan is a key document where the 'team around the child' records the interventions and outcomes to improve a child's wellbeing, including meeting their additional support needs. Using the wellbeing indicators, it should outline the agreed actions that professionals will take to meet the additional support needs and/or improve the child's wellbeing. The complexity and detail in the plan will be proportionate to the level of need and support identified.

Please see East Lothian Council's Child's Planning Framework guidance 2017 for more details.

4.2 Individualised Educational Plan

An Individualised Education Plan (IEP) is for children who require extensive modifications to the curriculum to allow them to access appropriate learning activities, i.e. a higher level of intervention over a sustained or planned period which may require support from other agencies out with the school. An IEP describes in detail the nature of the child's or young person's additional support needs, the ways in which these are met, the learning outcomes to be achieved and specifies what additional support is required. Any specialist agencies involved will be included in the planning stage so that supports and targets can be included.

The process of preparing the IEP is not just about writing a document. It offers opportunities:

- To help school staff and parents to develop increased knowledge and understanding of a child or young person by learning about him or her in other contexts.

- For parents and professionals to develop joint commitments to working to achieve shared and agreed aims and targets on behalf of the child or young person.
- For parents to develop their understanding of the different agencies working with their child or young person.
- For members of the school team to identify and own their responsibilities to the child or young person.
- For all involved to monitor, review and evaluate the effectiveness of provision for additional support needs.

The IEP should detail:

- Basic information about the child or young person (name, date of birth, class).
- A brief outline of the learners strengths and additional support needs and the support that will be provided to meet those needs.
- A list of relevant staff involved in supporting the plan (with contact details). It is essential to clarify who will facilitate, co-ordinate and manage the overall process.
- Long- term targets, to be reviewed at least once a year. Long -term targets will usually be achievable over one school session and be addressed by being broken down into a number of short-term targets.
- Short-term targets, to be reviewed at least termly. These are usually steps towards meeting each of the long-term targets. They should be SMART (Specific, Measurable, Achievable, Relevant, Timed), and detail, as appropriate, the methodology and resources to be used and the member of staff who will co-ordinate. Review of these does not necessarily require a face to face meeting. A telephone discussion, letter or discussion at parent's evening is sufficient. What is key is that the child or young person and parents are given an opportunity to comment on progress.
- Adaptations to the school curriculum which will be made to help the learner achieve their targets.
- Implementation and Review date.

Consideration of whether an IEP is appropriate for a pupil, should be placed within the context of a staged approach with various support strategies being implemented within the classroom in relation to differentiation of materials, groupings or adaption of classroom environment before considering the need to individualise the curriculum.

When deciding on whether to write an IEP for a pupil staff should consider the **identified priority needs** of the pupil in relation to educational progress. They should consider:

- The extent to which these needs can be met through the curriculum planning for the whole class. If they can be met, there is no need for an IEP.
- The extent to which these needs may be met through the planned differentiation for groups within the class. If they can be met, there is no need for an IEP.
- Which needs, if any, remain unmet. The pupil will require planned intervention to address these, and the unmet needs will form the core of the IEP.

IEPs are required for those pupils whose needs cannot be met by classroom differentiation, or those who require **significant** elaboration to their curriculum provided by another service (e.g. Speech & Language Therapy, Occupational Therapy etc.) in practice:

- IEPs will be required for children and young persons with additional support needs who require **significant, planned, and individualised** intervention to support their progress within an educational context.
- IEPs are likely to be required for those children or young persons with whom support for learning or other specialist support staff are frequently involved, and who perhaps require tutorial support and/or co-operative teaching, or direct intervention by another agency to deliver part of their curriculum e.g. additional or targeted level within the Child's Planning framework.

A child in a specialist provision will not necessarily require an IEP. Taking account of individual circumstances, a pupil might require an IEP in one school or class, because individual differentiation is required within the class environment, but not require an IEP in a school or class where many other pupils also have similar needs.

It is possible to take forward targets from an IEP through group and class activities, and wherever appropriate teachers should do this. It is not always necessary to address targets through individual activities and learning should be rooted within the planning for all of the children in the group or class. It is important to remember that an IEP should be inclusive in context, positive in tone and take each of the wellbeing indicators into account. It should not be treated as a separate planning document from the rest of the class, nor should it concentrate on the child or young person's additional support needs as weaknesses.

Wherever possible the child or young person should be involved in identifying and agreeing the targets, and in implementing, monitoring and reviewing the plan. It may not always be appropriate for the child or young person to be involved in a meeting with parents and other adults. However, every effort should be made to ensure that the child/young person has contributed to the targets and goals identified and how these are to be achieved. Their views should always be represented and taken account of and there are various formats that can be used to do this.

Where a pupil is likely to have significant lifelong needs it is imperative to view the IEP as a planning document which coordinates action inside and outside school to develop the child or young person's social, life and independence skills.

IEPs should be reviewed annually by means of a meeting involving school staff, parents and other professionals. One of the key functions of an annual review is to review the long-term targets for the year just ended and to revise and up-date them as necessary.

East Lothian Council establishments should use the IEP module on SEEMIS for recording purposes.

4.3 Co-ordinated Support Plans

A Co-ordinated Support Plan (CSP) is a statutory document drawn up for children and young people with the most complex and enduring additional support needs. A CSP is a planning document that aims to help co-ordinate the role and the degree of involvement of other agencies in meeting educational targets.

A CSP can be considered for a child or young person if two pre-conditions exist:

1. The child or young person is over 3-years of age and;
2. The Education Authority is responsible for providing their education.

On receiving a request to open a CSP, and the child or young person meets the pre-conditions, East Lothian Council have eight weeks to make a decision on whether or not to assess the child or young person. It should take no more than 16 weeks to complete the assessment process and if required, open the plan. If these timescales are not met, the parent/carer(s) or young person can appeal through the Health and Education Chamber of the First-tier Tribunal for Scotland – further details on how to do this can be found in section 11.4.

The following circumstances permit the process to take longer:

- When a parent or young person requests a specific type of assessment which is in some way unusual and this causes a delay.
- When the Education Authority has asked another agency, such as the health service, for help and the agency has not responded in time.
- When information is required from a school but this information cannot be obtained in time because the request has been made during a school holiday period of 4 weeks or more.

To qualify for a CSP the following three criteria must be met:

1. The child or young person has additional needs arising from one or more complex factors or multiple factors;
2. Those needs are likely to endure beyond a year;

3. Significant additional support is required from the education authority, and the local authority exercising their functions other than education (e.g. social work) and/or one or more appropriate agency/agencies.

A complex factor is one that has, or is likely to have, a significant adverse effect on the school education of the child or young person. A complex factor could arise from severe learning difficulties, a sensory impairment such as blindness, or a physical disability such as cerebral palsy. However, these factors wouldn't require a CSP in all cases. It is the impact on the child or young person's learning that is important and this needs to be considered individually for each learner.

Multiple factors are factors which are not by themselves complex but, taken together, have or are likely to have, a significant adverse effect on the school education of the child. One example might be a child who is experiencing problems at school due to the combined effects of a mild sensory impairment and the pressures of being a young carer at home. The joint impact of these factors may have a significant adverse effect on their education.

The professionals who do the assessments must make a judgement about whether the additional support needs are likely to continue for more than one year.

In addition to support from staff within the education authority (e.g. school staff, Educational Psychology Service, Hearing Impaired Service) the child or young person must require support from the local authority exercising their functions other than education (e.g. social work) and/or at least one other agency (e.g. Social Work, Speech and Language Therapy) to enable them to meet their educational objectives. In making a decision, the Authority must have regard to the frequency, nature, intensity and duration of the support and the extent to which the support needs to be coordinated. One purpose of the CSP is to ensure that support is co-ordinated effectively when at least one service is required from outwith what the education authority provides as part of its educational functions.

East Lothian Council must consider on an annual basis whether a looked after child or young person requires a CSP.

Wherever possible the child or young person should be involved in considering the content of a CSP. It may not always be appropriate for them to attend meetings however, every effort should be made to ensure that the child or young person has contributed to the document including the educational objectives and how these are to be achieved.

A CSP must contain:

- 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 factor.
- The additional support required to achieve these objectives.

- Details of those who will provide this support.
- 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, or details of any person nominated by the education authority to carry out the coordinator function.
- The details of a contact person within the local authority from whom the parents or young person can obtain advice and further information.

The CSP should also contain:

- Specified biographical and contact details of the child or young person.
- Specified contact details for their parent(s) or those adults who have, or share, responsibility for the care of the child or young person.
- A 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, their skills, capabilities, interests.
- Parents’ and child’s/young person’s comments on any aspects of the coordinated support plan process as well as the plan itself.
- A review timetable.

The child or young person will be working towards achieving a number of learning outcomes but the CSP is concerned only with the learning outcomes that require the direct involvement of other agencies and the co-ordination of this support.

The ‘Educational Objectives’ component is intended to be clear and succinct, and focus only on needs that will or are likely to continue for more than a year. Shorter-term objectives should be contained within an IEP or some other plan. In cases where there is an IEP or other planning mechanism in place, the CSP should refer to this, but not duplicate the content of the plan unless required to meet the statutory requirements.

The CSP coordinator is the person responsible for monitoring that the services required to deliver the additional support identified in the plan are in place for the child or young person, and for taking action to secure services when necessary. Once a plan has been agreed, the coordinator should ensure that parents, children and young people and all those involved in providing additional support, know what is required of them by the plan.

A CSP must be kept under ongoing consideration and the plan must be formally reviewed at least every 12 months, making appropriate amendments, as necessary. The review must be completed within 12 weeks of the expiry date (which is the anniversary of the date on which the plan was prepared).

Ongoing monitoring and the arrangements to review the CSP should be agreed amongst the professionals working with the child or family. Consideration should include what, if any, updated assessment information is required and from which agencies, whether or not it would be helpful to identify one of the team to help the child and/or family to get most out of the process, and the role of the coordinator for the CSP in the review process.

When the CSP is to be reviewed, the child or young person and parents/carers will be asked for their views and given information about what is likely to happen during the review, such as consideration of:

- Whether the aims and goals set out in the CSP have been achieved.
- Any changes to the child's or young person's additional support needs.
- The setting of new educational objectives, the support required and the agencies responsible for providing it.
- The continued need for a CSP.

The Education Authority can review the plan sooner than 12 months after the last review, if there has been a significant change in the child's needs. A parent or young person may also request this for the same reason.

4.4 Other Planning Formats

There are a range of other planning formats that are used to support children and young people and it is important that they are integrated with each other and cross-refer. They may include:

- Child Protection Plan – for children and young people who require to be kept safe and may be on the Child Protection Register.
- Looked After and Accommodated Care Plan – for children and young people who are subject to a compulsory supervision order that determines where they live.
- School Health Care Plan - for children and young people with a medical condition that may require medical treatment in school. See The Handbook of Procedures for the Management of Pupils with Healthcare Needs in Educational Establishments (2017) for further information.

- Positive Support Plan – for children and young people who have previously exhibited distressed or challenging behavior. This plan identifies potential triggers, preferred de-escalation and support strategies and key information on how best to positively engage the pupil. For further information see East Lothian Council Policy on Managing Distressed and Challenging Behaviour (2018).
- Risk Assessment – for children and young people who may engage in behaviour that has the potential to cause injury to themselves or others. For further information see East Lothian Council Policy on Managing Distressed and Challenging Behaviour (2018).

5 Transitions

All children and young people go through a number of transition stages in their school education when they move from one setting to another. Children and young people with additional support needs will need different levels and types of support. In East Lothian, we manage this through the Child’s Planning Framework and by adhering to the Principles of Good Transitions (further details in section 5.3). Effective planning helps to promote shared understanding and close communication among all relevant persons and above all helps to ensure that any required action is co-ordinated appropriately. The team working with the child or young person and their parents are best placed to decide on the level of planning and the nature of intervention needed.

In all East Lothian establishments one member of staff will be responsible for coordinating transitions and working with the child/young person, their families and other agencies to ensure this happens smoothly. It is essential that there is good communication between the child or young person, parents and all supporting agencies.

As part of any transition, the views of children and young people and their parents/carers will be taken into account. In addition, we will ask the permission of parents and young people to obtain advice from any other agencies that may be of help. School staff must ensure that arrangements are clear so that the child or young person and all those involved know what is happening, when it is happening and who is responsible. With consent, we will pass this information on to wherever the child or young person is moving to and to other agencies that may provide support.

Where there is disagreement between a child or young person and their parents, for example, where a child’s wishes about their educational placement differs from their parents, the school must consider the best interests of the child or young person. They must also consider the child’s or young person’s capacity to express a view and act accordingly.

5.1 Statutory Timescales

Please see Appendix 4 for an overview of the statutory and local timescales in place for supporting children and young people with additional support needs.

Schools must seek and take account of relevant advice and information from other agencies **no later than 12 months** before a child or young person, who has additional support needs, is expected to have a change in school education or move on to post school provision. For a **pre-school child**, the timescale is **six months**.

Schools must identify the agencies (for example, receiving school, therapist services, colleges) that need information to meet the additional support needs of the child or young person as they move on. Schools must pass on this information to them **no later than six months** before the transition. For a **pre-school child**, the timescale is **three months**.

If a child or young person is leaving or moving from a school and the school is unable to meet the above timescales, they must take necessary action as soon as is reasonably practicable.

Where a child or young person has a CSP, there is a legal requirement that the CSP must be reviewed by everyone involved **at least every 12 months** and all relevant information in the CSP must be included in the transition planning process.

Where a child or young person has a CSP, the current CSP co-ordinator must discuss any anticipated change of statutory co-ordinator with the child, or young person and parents. This must be done as far in advance of the change as possible. Any agencies involved must also be informed by the school.

5.2 Progressing Beyond School

East Lothian Council have a duty to support young people with additional support needs make the transition from school. For most young people, this support will come from within their school and may include:

- advice and guidance from careers advisory services in schools
- personal learning planning – this may involve them setting and achieving goals that help them develop skills they will need after school, such as managing money or learning to travel independently
- providing accessible information about relevant college or higher education courses, national training programmes, community-based programmes or work placements
- organising visits to colleges or universities
- organising a work placement
- organising a phased entry to college, training placement or workplace for one or two days a week while continuing at school for the rest of the week
- offering alternative curricular programmes such as literacy and numeracy, IT skills training, personal and social development, outdoor education or community-based programmes

If a young person needs support from other agencies such as health, social work or a voluntary organisation, schools have a duty to ask them for advice and information on any support that may be appropriate 12 months before school leaving date.

Six months before leaving school staff must share the following information to the relevant agencies:

- The date a young person is expected to leave school;
- Any services the local authority may provide when the young person leaves school (for example social work services or housing);
- Any other information they think will help the agencies provide their services.

5.3 Transitions - Good Practice

Transition planning should be embedded within school practice and should encourage early consultation, collaboration and communication between child/young person, school and other agencies as appropriate.

ARC Scotland published the 'Principles of Good Transitions 3' framework in 2017 to inform, structure and encourage national good practice in transitions for children and young people. East Lothian Council staff should take account of the following principles of good practice whenever a child or young person with additional support needs is approaching a transition point in their school education:

- Transition planning should be embedded within the schools policies and procedures for supporting children and young people with additional support needs.
- Other agencies, such as health and social work services, Skills Development Scotland, East Lothian Works, further education colleges and institutions of higher education should also be involved in transition planning as appropriate.
- The child's or young person's views should be sought and taken into account.
- Parents should be part of the planning process, and their views should be sought, and taken account of, and they should receive support, as required, during the transition process.
- Early consultation should take place with the school or post-school provision, which the child or young person will be attending.
- Schools should plan to ensure that the necessary support is in place for children and young people who have additional support needs to help them through the transition phase to their new school or provision.
- Professionals from all agencies working with the child, young person and family should plan in good time for transition to post school destinations.

- Transition should be co-ordinated by a relevant person known to the child or young person and their family.
- Where a child or young person has a CSP then any anticipated change in the statutory co-ordinator should be discussed with the child or young person, and parents, as far in advance of the change as possible.
- Arrangements for transition to post-school should be clear so that the leaver, and all those involved, know exactly what is happening, when it is happening, and who is responsible.

6 School Placements

6.1 Mainstream Schools

East Lothian Council is an inclusive authority and in accordance with the duties outlined in the Standards in Scotland's Schools Act (2000), the authority presumes that, unless exceptional circumstances exist, children and young people will be educated within a mainstream school wherever possible.

Every mainstream primary and secondary school has a catchment area that is determined by the Education Authority and every child that lives within the catchment area of a primary and secondary school will be automatically allocated a place at that local school before the child is due to begin primary or secondary education.

However, there may be situations when parents or young people prefer a mainstream school which is not their local school. In these situations parents and young people have the right to make a placing request for the school or schools of their choice. For more information on making mainstream placing requests please email schoolplacements@eastlothian.gov.uk

6.2 Specialist Education Provisions

The additional support needs of almost all children and young people who require universal, additional and targeted support are met through the range of provision available within mainstream schools. However, it is recognised that a small number of children and young people, with enduring, significant complex needs, may require access to a specialist provision.

East Lothian Council have a number of specialist provisions. These specialist provisions do not have a catchment area and each has a provision profile that outlines the additional support needs that are typically supported in each establishment. Please see Appendix 2 for details.

Places in our specialist provisions are allocated by the Authority's Education Resource Group (ERG).

6.3 Education Resource Group

The Education Resource Group (ERG) makes decisions after careful consideration of assessment information presented to the panel. Membership of the panel may vary but will always include a range of education professionals with expertise in additional support needs and will be chaired by the Service Manager for additional support needs; it will also include senior representatives from Children's Wellbeing and Health, who also have expertise and experience in understanding the needs of children and young people.

Children and young people who may require Specialist Educational Provision will have been supported and assessed through the Child's Planning Framework. All support and interventions at Universal and Additional levels (including Exceptional Needs funding) should have been implemented and exhausted prior to a referral to the ERG.

To allow appropriate transitions to be planned, the ERG will consider referrals of children and young people at key transition stages of entry to Pre-school, Pre-school to P1; P7 to S1 in November each year. It is important to note that not all children/young people referred to ERG will be given a specialist place. For this reason, parents/carers must also apply for a place at a mainstream school and, only when a specialist place has been offered and accepted the mainstream place will be withdrawn.

Further details of this process can be found in East Lothian Council – Admission to Specialist Education Provision guidance 2017.

6.4 Placing Requests

Parents of children with additional support needs, or a young person with additional support needs (with capacity) can make a placing request to East Lothian Council for a place in one of our specialist educational provisions or an independent special school we do not manage. Placing requests should be made to the Service Manager for additional support needs and will be considered by the Education Resource Group (ERG).

It should be noted that any placing request for an independent special school can only be made if the managers of the school are willing to admit the child or young person. This confirmation should accompany the placing request.

A placing request for a specialist educational provision or special school under the management of another Local Authority must be made directly to the managing authority in question.

Placing Requests must:

- Be made in writing which includes e-mail, or some other form that can be kept and referred to at a later date;
- Name at least one specific specialist provision – there is no limit to the number of special schools or special classes that may be named, but only one provision will be considered at a time;
- Must give a statement of reasons for the request.

If agreed, East Lothian Council will place the child or young person in the school requested or meet those necessary fees and other reasonable costs, including transport, in relation to the special school not managed by the Council.

If the ERG refuses a placing request we must provide a legal ‘ground of refusal’ that complies with the Education (Additional Support for Learning) (Scotland) Act 2004 and there is a right of appeal to the additional support needs jurisdiction within the Health and Education Chamber of the First-tier Tribunal for Scotland.

The Health and Education Chamber of the First-tier Tribunal for Scotland is independent of East Lothian Council and the letter informing the parent/carer or young person of the refusal will outline how to make an appeal. The grounds under which East Lothian Council can refuse a placing request are set out in Appendix 3.

Further details of this process can be found in East Lothian Council – Admission to Specialist Education Provision guidance 2017.

6.5 Children and Young People Moving into East Lothian

It is expected that information on any additional support needs of a child or young person moving into an East Lothian Council school will be provided by the parents and the school last attended by the child or young person. In the first instance this information should be given to the Headteacher of the East Lothian mainstream catchment school for consideration and planning.

Information on children and young people with significant and complex additional support needs should also be presented to the Service Manager for additional support needs. Following the confirmation of an East Lothian address, the young person will be allocated an Educational Psychologist who will coordinate an assessment of need. Should the assessment indicate the need for Specialist Educational Provision then the evidence will be presented to the ERG for consideration and decision.

6.6 Home and Private Education

The parents of children of school age have a legal duty to provide a suitable education for that child by ensuring that the child attends a public school which is a school managed by the Education Authority or by other means.

In practice, other means refers to parents who choose to pay for their child to attend an independent school or who choose to educate their child at home. The Education Authority has very few duties in relation to these children or young people.

Parents may choose to fund their children to attend independent schools without the need for any discussion with the Education Authority. It is the responsibility of the Scottish Government to ensure that independent schools are registered as an Independent school and that they are properly managed.

The situation is a little different regarding home education. If the child has already started attending a primary or secondary school, then the parent(s) must seek the permission of East Lothian Council to educate their child at home.

East Lothian Council will ask the parent(s) to produce an outline proposal for how they would educate the child at home. If we agree to the request, we will normally contact the parent(s) once a year to check that the home education is providing a suitable education. However, East Lothian Council is not under a legal duty to do this.

If East Lothian Council is not satisfied with the proposed or actual arrangements for home education, we can issue a notice requiring the parent(s) to provide more information about the arrangements. If the parent(s) fail to provide this information or if the parent(s) provide this information but we remain dissatisfied with the arrangements, we may refuse consent for home education and parents have no statutory right of appeal against this refusal. The parent(s) would then have to ensure their child attends a public or independent school. If the parent(s) fail to do this, East Lothian Council can issue an attendance order requiring the parent(s) to ensure their child attends a public school. If the parent(s) fail to comply with an attendance order, we can take the parent(s) to the District or Sheriff Court. East Lothian Council or the Courts can also refer the matter to the Children's Panel. The Children's Panel is a government body which investigates cases where a child may be at risk of harm.

If the child has never started at primary public school – or if the child attended a public primary school but has not yet started at a public secondary school – then the parent(s) do not need any permission from East Lothian Council to educate at home. However, the parent(s) still have a legal duty to provide a suitable education for their child.

In all cases where parents are considering home education, East Lothian Council recommends that parents contact the Quality Improvement Officer for their child's current school for advice as early as possible.

If East Lothian Council agreed to place a child or young person in an ELCC setting or a school in another Education Authority, we retain responsibility for delivering services to the learner. However, if a parent or carer has chosen to send their child or young person to another Local Authority (effectively a placing request), despite having a place in an East Lothian establishment, then responsibility is passed to the other Education Authority in question.

7 Looked After Children and Young People

The term 'Looked After' refers to children and young people who are subject to compulsory supervision orders or voluntary arrangements, mutually agreed between parents or carers and local authority social work services. These orders are put in place at a Children's Hearing held in the child or young person's home local authority. Responsibility for implementing and monitoring these orders rests with the young person's home local authority usually through the home local authority's social work service. Looked after children and young people can be living with their family at home or with friends and relatives. They may also be living with foster carers or in residential schools or homes.

The following sub groups make up the full group of looked after pupils enrolled in East Lothian schools:

- **East Lothian children and young people who are 'looked after at home':** This is when a child or young person is subject to a Compulsory Supervision Order with no condition of residence and continue to live in their regular place of residence (i.e. the family home). This can also be when an East Lothian child or young person is involved in a voluntary supervision arrangement (where there is no statutory order) with East Lothian Council.
- **East Lothian Children and Young People who are 'looked after away from home':** This is when a child or young person has been through the Children's Hearing system and is subject to a Compulsory Supervision Order with a condition of residence. In these cases the child or young person is cared for away from their normal place of residence (e.g. foster/kinship carer, prospective adopters, residential care homes, residential schools or secure units) This can also be when an East Lothian child or young person is involved in a voluntary supervision arrangement with East Lothian Council where the child or young person is living away from their home. The term Kinship Care falls into the category of looked after away from home. It is where a child or young person is subject to a Compulsory Supervision Order and placed by a local authority in the care of family or friends, for either a short or long period of time.
- **Children and Young People who are 'looked after' by another local authority and attend an East Lothian school:** The child or young person is subject to a Compulsory Supervision Order (implemented by a local authority other than East Lothian Council) or the child or young person is involved in a voluntary supervision arrangement to live in East Lothian.

The Additional Support for Learning Act (2004) presumes that all looked after children and young people have additional support needs, unless the Education Authority has completed an assessment and decided otherwise, based on this information. It is important to note that after an assessment this status may still change if key factors in the child or young person's life have altered such as their care placement or change of school.

East Lothian Council must consider on an annual basis whether a looked after child needs a CSP.

7.1 Children and Young People 'looked after' by another Local Authority enrolling in an East Lothian School

East Lothian Council should be made aware by a local authority of any intention to place a looked after child or young person in an East Lothian school. This notification should be given well in advance of the placement commencing. This allows time to organise any relevant supports or resources. The practice of carers arriving at an East Lothian school to enroll a child with no previous notification by the placing authority should be reported to the Education Support Officer (ASN) for the school.

A transition meeting, should be held prior to any pupil starting at school. Health, education and social work information will be shared at this meeting to allow the East Lothian school time to prepare and put in place all necessary arrangements to support a successful start for the pupil. These meetings should be attended by a social work representative from the placing authority who holds responsibility for the Compulsory Supervision Order and an education representative from the previous school or Educational Psychologist from the placing authority. This transition meeting should be convened by the Headteacher of the child or young person's catchment school. If a decision has not yet been made as to where the child will be enrolled because of exceptional issues, the relevant Education Support Officer (ASN) will convene the meeting.

East Lothian Council considers the decision around additional support needs to be ours rather than the placing authority. Any additional support resources should be in place prior to a child or young person starting at the school to ensure a positive start. It is the responsibility of the placing local authority for the provision of any additional resources and must be agreed in advance of enrolment.

8 Young Carers

East Lothian Council have a statutory duty to offer to prepare a young carer statement for young carers (see The Carers (Scotland) Act 2016).

A young carer is someone who is 18-years or under who provides or intends to provide care for another individual.

Due to the individual nature of each young carer's role and responsibilities, the challenges of caring may manifest itself in many ways. There are however, some indicators that a young person is fulfilling this caring role including:

- late or missing days or weeks
- leaving school early
- tired, anxious or withdrawn due to home circumstances
- defensive or secretive about home
- homework or coursework not completed
- little or no involvement in after school activities or social events.

East Lothian Council must offer each young carer, either self-identified or identified through a wellbeing need, a holistic assessment which incorporates the National Practice Model. The child or young person can decline this offer. If the offer is agreed, it will produce an assessment that covers:

- The extent and nature of the caring role (including who is being cared for);
- The ability and willingness of the young carer to provide this role/support;
- The impact of the caring role on the child or young person.

The assessment will produce a statement which identifies personal outcomes and needs, plus any support that needs to be considered to meet those needs.

East Lothian Children's Services and East Lothian Young Carers are currently carrying out a pilot with young carers using an assessment pro forma which will capture all the necessary details in order to create statements. When the pilot has been reviewed and an assessment process agreed, it will be rolled out to all schools.

9 The Rights of Children over 12 Years

Children over 12 years of age now, broadly speaking, have similar rights to parents and young people with respect to their additional support needs. The extension to children's rights is accompanied by safeguards in the form of assessments of capacity and consideration of impact on a child's wellbeing.

Under the Act, as amended, children who are 12 years of age with capacity now have rights to:

- Request East Lothian Council to establish whether they have additional support needs.
- Receive advice and information about their additional support needs.
- Request, **at any time**, a specific type of assessment and/or examination for the purpose of considering their additional support needs as well as when East Lothian Council propose to establish whether the child has additional support needs or requires a CSP (or where a plan is being reviewed).
- Have their views sought and taken into account as part of the process of mediation.
- Make use of dispute resolution arrangements for matters about additional support needs that are specified in regulations.
- Be informed of the outcome of requests under the Act, reasons why a request is refused and any applicable rights to have a decision reviewed, for example, through mediation or dispute resolution, or referred to a Tribunal.
- Request East Lothian Council to establish whether the need for a CSP or to review an existing plan, receive a copy of the plan and, in any amended plan, be asked for their views and have them taken into account and noted.

- Refer to the Tribunal specified matters relating to CSP, appeals against the refusal of placing requests and failures by East Lothian Council in relation to the duties regarding school to post-school transitions.
- Have a supporter with them or an advocate to present their case at any meeting with the school or East Lothian Council, in connection with the exercise of the our duties and functions under the Act and at Tribunal hearings.
- Have access to a free advocacy service in Tribunal proceedings.
- Have access to a support service for children and their parents that provides advice, support in discussions with East Lothian Council and advocacy services.

Rights that parents and young people have within the Act that are not extended to children include:

- to request the use of mediation services
- to make a placing requests

The extension of these rights to children over 12 years of age is subject to safeguards. The safeguards take the form of an assessment of capacity and a consideration of adverse impact on wellbeing of an individual child. These assessments require an evidence-based decision to be made in relation to both of these aspects. East Lothian Council has to be satisfied that the child has the capacity to carry out such actions under the additional support for learning legislation and that assessment will be used to decide on a child’s capacity as well as whether exercising such rights will have an adverse impact of their wellbeing. Parents and children should be involved and informed about the assessments carried out.

9.1 Assessment of Capacity

The new rights for children are conditional on their having capacity which is defined broadly as “sufficient maturity and understanding”. This is different from adults and young people who are presumed to have capacity unless assessed as lacking capacity.

East Lothian Council staff including teachers are well placed to decide on a child’s capacity as they work with and know the child well. They will, as a result of their skills, experience and understanding of the needs of the child, be able to consider and provide evidence as to whether or not a child has capacity in relation to the specific rights that the child is proposing to use.

When carrying out an assessment of a child’s maturity and understanding East Lothian Council will take into account:

- **The child’s age and stage:** to exercise their rights, a child will have to be 12 years of age whether at primary or secondary stages.

- **Sufficient maturity:** a child's maturity will be evidenced by progress within health and wellbeing and its key features of healthy living and relationships, and in approaches to personal planning, assessing risk and decision making.
- **Sufficient understanding:** a child's level of achievement can be used to provide robust and credible assessment, for example, children who have achieved across Second level and working towards Third level experiences and outcomes across literacy and numeracy will have sufficient understanding to exercise their rights; and
- **Personal support from an adult who knows the child well.** The judgement of the teacher who knows the child will be based on a wide variety of sources of evidence including observing day-to-day learning, learning conversations and/or planned periodic holistic assessment.

The Supporting Children's Learning Code of Practice (Third Edition) 2017 sets the questions to be decided upon in respect of capacity in each of the areas where new rights are enacted. The assessment of capacity is in the context of the particular right a child is exercising.

Children's maturity and understanding will change and/or progress over time and education authorities will take account of such changes towards capacity and adverse impact and wellbeing as children make further progress within Curriculum for Excellence.

A child or young person should not be treated as lacking capacity because of a communication need which can be overcome by human, electronic or mechanical aid (whether of an interpretive nature or otherwise).

When a child requests to exercise a particular right, the Act also requires those who have responsibilities in respect of that right to assess the child's capacity and also any potential adverse impact on wellbeing that the use of the particular right may cause. The child's wellbeing is as defined by the wellbeing indicators in Getting It Right for Every Child and focuses on the child being Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included. The impact on child's wellbeing will be considered in terms of the indicators as and may be informed by the progress within the experiences and outcomes within Curriculum for Excellence's Health and Wellbeing.

There is no requirement to consider whether there may be adverse impact on wellbeing in relation to young people age 16 or over.

The child and their parents or carers must be informed of the conclusions of these considerations. In the circumstances where the child or their parents does not agree with the outcome of these considerations they may refer this to the Tribunal for consideration.

10 Working with Children, Young People and Parents

East Lothian Council is determined to create a safe, positive and inclusive environment where respect is shown to and is given by all its children, young people, staff and parents/carers.

East Lothian Council fully respects the rights of children and young people and, wherever possible, we will seek and take account of their voice of children in decisions that affect their education. As a general rule, children aged 12 or over will be considered to have enough understanding to express views which must be taken account of. However, some younger children will be able to express views and some older children will be unable to for example because of a learning disability. In all cases, we have to make reasonable efforts to help a child express their views if we think they have enough understanding.

While we have to consider the views of the child, the authority does not have to agree with everything a child asks for and needs to take account the degree of their understanding. We have to try and explain to the child the reasons behind our final decision.

We recognise that parents have unique personal knowledge of their children and strongly believe in making use of this knowledge by engaging parents and seeking their views at every stage.

Additional support needs are often complicated and sometimes stressful for parents and young people and they may want help to express their views. Any of the professionals providing support for the child or young person will be able and willing to offer this help. They should also be encouraged to identify a supporter or an advocate. A supporter is most often a friend, relative, befriender or worker from a voluntary organisation. A supporter may speak for the parent or child but is more likely to give them private advice and support which they use to help them speak for themselves. An advocate will speak for the parent or child, particularly at meetings with the school staff and any meetings or hearings to do with resolving disagreements.

In most circumstances, we will always agree to the parent or child bringing a supporter or advocate to a meeting or other form of discussion. However, there may be situations where we do not have to agree to this because it would be unreasonable. If we do not agree, we must give a clear reason for our decision.

10.1 Involving Children and Young People

In 2015, Education Scotland established the role of 'Inclusion Ambassadors' who are young people with additional support needs who represent their Local Authority in a range of events and discussions on inclusion. The table below outlines the advice these young people offer regarding the best way to involve and hear the views of children and young people.

What works?	What doesn't?
Friendly speaking, less formal and comfortable sitting, colourful	Don't like to talk to people unknown
Ask for views/receive information before meetings	People patronising
Options: giving of views before the meeting	Formal speaking, boring colour
Prefer talking to people they know	Timing
Photos, videos or visiting the room beforehand	Too much talk
Good advice-easy to follow	Fair settings
Do not have to attend the whole time-can I attend as much as I want to	Not really being included - adults can take over the meeting
Choice	Do not always understand why we are meeting
It is important we are able to attend	Only attend the last 10 minutes
If our views are written down or captured, if we don't want to be there at the meeting	Feel pressurised to attend
Time out space	Mixed experience of views gathered before the meeting
Feel like we are treated like an age appropriate person	The rooms we meet in are not always good - not child centred or friendly
When kids get to get their own point across	When there is a lot of talking
Knowing what is going to happen -preparation for questions	Too many people there
1 to 1 interview	Adults don't always listen
When confidence is built up	Misunderstanding
Understanding views	
Knowing who is going to be there	
Someone who can help explain the questions	
If someone could come with you to meetings	
Tranquillity	
Staff try and support us	

To ensure that we actively involve children and young people and support them in expressing their views, we should refer to the 7 Golden Rules for Participation which is a resource developed by The Children and Young People's Commissioner Scotland. They provide advice on how best to plan and

deliver participation rights for children and young people. A core principle of the United Nations Convention on the Rights of Children is the ongoing information sharing and dialogue between children and young people built on mutual respect where their views are taken into account and help shape processes.

Each East Lothian school has a set of 7 Golden Rules for Participation and they are encouraged to use them to facilitate engagement and discussion with learners. They are accessible at <https://www.cypcs.org.uk/ufiles/Golden-Rules-young-people.pdf>

10.2 Communicating with Children, Young People and Parents

We aim to take account of the following good practice when working with parents.

Professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child
- consider the child's strengths as well as areas of additional need
- recognise the personal and emotional investment of parents and be aware of their feelings
- ensure that parents understand procedures, are aware of how to access support and are given documents to be discussed well in advance of meetings
- respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints
- cater for the differing needs parents may have, such as those arising from a disability, or communication and linguistic barriers

Information should be:

- clear and understandable and avoid jargon
- provided easily in accessible formats
- readily available and provided automatically without a charge and without a fuss

Communication works well when:

- people have the interpreters they need
- someone in authority takes responsibility for keeping parents up-to-date
- people are told what has been happening between meetings
- any information provided by parents is acknowledged
- formal references to statutory procedures are avoided

Effective working relationships develop when:

- contact with parents is sensitive, positive, helpful and regular
- parents feel included and are encouraged to contribute to discussions

- positive, clear and easily understood language is used
- parents are involved and processes and roles are explained from the beginning
- parents are told what to expect and the next steps
- times of meetings take account of parents' availability

Meetings work best when:

- parents are asked what times and places suit them best, taking account of any access need or family responsibilities
- notes from meetings and any other papers to be considered are sent out in good time
- parents are invited to add points to the agenda at the same time as everyone else
- people attending are aware of their roles and the roles of others and they understand the child's or young person's additional support needs there are no hidden issues and no last-minute surprises
- decisions are made when the parents are at the meeting or agreed with them before the meeting takes place – not after the meeting has closed unless further consultation takes place with them
- ample time is given to allow people to raise concerns so that decisions are not rushed

Identifying the way forward works well when:

- all views are taken on board – including those of the child or young person
- people are interested in learning from each other
- people show an interest in general family priorities and take them on board
- services are identified in agreement with the family and are responsive to individual needs

Accountability and involvement:

- who is responsible for what is clearly defined and understood
- parents' concerns are responded to quickly
- decisions are open to scrutiny
- parents have a clear point of contact who can answer questions, make decisions and ensure that agreed actions are taken
- people do what they agreed within the timescale committed to – if a decision is likely to take time, parents are told and given some idea of when a decision is likely

11 Resolving Disagreements

East Lothian Council aims to work in partnership with children, young people and parents. In this way, we intend to come to an agreement on what is the best way to meet needs. However, we understand that at times there may be disagreement about how a child or young person is supported.

East Lothian Council aims to resolve complaints quickly and close to where we provided the service and in the majority of cases this would be at the school. We encourage children, young people and parents to discuss any concerns that may lead to a disagreement with one of the various professionals providing support in the school – for example a class teacher or a member of the school’s leadership team.

Around this time, the child, young person or parent might want to seek information and advice – for example to help them organise their thoughts before speaking to one of the local professionals about their concerns.

The Scottish Government have set up an advice service for additional support for learning, Enquire, who can be contacted:

Tel: 0345 123 2303
Email: info@enquire.org.uk
Website: www.enquire.org.uk

Information and advice is also available from a range of Services listed in Appendix 5.

If agreement cannot be reached at this stage, there are more formal methods of dispute resolution that a parent or young person can make use of and these are detailed in the following sections.

11.1 Complaints

Anyone has the right to make a formal complaint if they are unhappy about our action or lack of action, or about the standard of service provided by East Lothian Council or on our behalf.

More information on the complaints process can be found on the council’s website at https://www.eastlothian.gov.uk/info/210560/your_council/12166/comments_complaints_and_comments/2

There are times when we are unable to handle complaints through the process above as there are some disagreements which the law says can be resolved in different ways. We anticipate that most disagreements to do with additional support needs would be covered by these other processes and these are described next.

11.2 Mediation

If a disagreement occurs, East Lothian Council may offer mediation to the parent or young person. Mediation is provided by an entirely independent service. The purpose of mediation is to help both sides to understand each other’s point of view in order to prevent a disagreement from becoming more serious and to give another chance to reach agreement.

The parent or young person can request mediation before it is offered by contacting the mediator directly. Compared to dispute resolution and tribunal, mediation is faster and has very few formalities. The meeting is confidential and it is likely to take place somewhere convenient for the parent or young person and somewhere they feel comfortable – for example the school attended by the child or young person or a community centre near to where they live. The mediator will not offer advice to either side but will help them to express their views and understand each other's perspectives to try and find a positive way forward.

Parents and young person do not have to accept the offer of mediation and this does not stop them from going down another route of dispute resolution. It is also the case that mediation can be used at any time, including during dispute resolution and tribunal.

Common Ground Mediation are East Lothian Council's appointed service.

Tel: 0131 553 5200 / 07507 511502
Email: info@commongroundmediation.co.uk
Website: <https://www.commongroundmediation.co.uk/>

11.3 Dispute resolution

Dispute resolution can be used for disputes about most matters to do with assessing and meeting a learner's additional support needs. For example, it could be used for a disagreement about what are the additional support needs, what is a reasonable assessment request, or what support the child/young person requires to meet their additional support needs.

The dispute will be considered by an independent adjudicator. They will have experience of working in the field of additional support needs and will be appointed by the Ministers of the Scottish Government, ensuring that they have no connection to the East Lothian Council.

An application for dispute resolution must be made to the Scottish Ministers containing the following information:

- The name and address of the applicant.
- The matter at dispute and a summary of circumstances giving rise to the application.
- A copy of any advice, information or request relevant to the subject matter of the dispute and a copy of any decision of the education authority which the applicant wishes the education authority and the independent adjudicator to take account of in considering the application.
- The legal grounds for the application, referring to the relevant part of the Education (Additional Support for Learning) Scotland Act 2004 (as amended).
- The views of the applicant as to how the dispute could be resolved.

- Where known to the applicant, any views expressed by the child regarding the dispute.

The application should be addressed to the Scottish Ministers at the following address:

The Scottish Ministers
Support and Wellbeing Unit
Area 2 C South
Victoria Quay
Edinburgh
EH6 6QQ

Dispute Resolution is normally a paper exercise and the adjudicator will reach a decision based on reports and papers provided by the parent or young person and East Lothian Council. In exceptional circumstances the adjudicator may decide there is the need for a meeting.

The Scottish Ministers expect that both sides will accept any recommendation made by the independent adjudicator, although neither side have to do this. We intend to accept all recommendations – unless there are exceptional circumstances which at this time we are unable to predict.

Dispute resolution does not cover:

- Disagreements relating to a coordinated support plan. These can be taken to the Additional support needs Tribunal.
- Disagreements relating to the refusal of a placing request for a particular nursery or school. These can be taken to the additional support needs jurisdiction within the Health and Education Chamber of the First-tier Tribunal for Scotland.
- Disagreements relating to exclusions. These can be taken to East Lothian Council's Appeal Committee.
- Disagreements about the general conduct of the Education Authority which go beyond additional support needs – for example allegations of failing to meet all of a child's educational needs including those which have nothing to do with their need for additional support; or allegations of incompetence against a member of our staff. Some disagreements of this kind can be taken to the Scottish Ministers under the terms of Section 70 of the Education (Scotland) Act 1980 or to the Scottish Public Services Ombudsman.

11.4 Health and Education Chamber of the First-tier Tribunal for Scotland

The additional support needs jurisdiction within the Health and Education Chamber of the First-tier Tribunal for Scotland considers two types of references (appeals) from parents and young people

against the decisions of Local Authorities regarding the provision of educational support under the ASL (2004) Act and, claims in respect to the Equality Act (2010).

Young people aged between 12 and 15 years who have capacity to make a reference (and where their wellbeing will not be adversely affected) can make two types of references, regarding a CSP or the education authority's assessment of their capacity or wellbeing.

Typically, a reference to the Health and Education Chamber of the First-tier Tribunal for Scotland would involve one or more of the following:

- A decision about a Co-ordinated Support Plan (CSP).
- A placing request for a specialist provision.
- A placing request for a mainstream school, where the child has a CSP (or is being considered for one).
- The transition process from school to post-school provision.

The main features of the additional support needs jurisdiction within Health and Education Chamber of the First-tier Tribunal for Scotland are:

- It is made up of three people – a Chairperson who has legal training and two members who have expertise in additional support needs.
- It will take evidence on everything to do with the disagreement.
- There will normally be a hearing where the East Lothian Council and the parent(s) or young person get to speak to the tribunal and explain their views.
- The jurisdiction will make a decision which both sides must accept – unless the parent or young person or the East Lothian Council believe there has been a mistake in interpreting the law. They then have the right to appeal the decision to the Court of Session.
- There is no right of appeal against the tribunal's decision on what the facts of the case are.

With regard to the Equality Act 2010, the jurisdiction can hear claims of alleged disability discrimination when this happens in an education setting in Scotland. Under the Equality Act 2010 it is unlawful for a school to discriminate against a disabled applicant or pupil in relation to:

- admissions
- the provision of education

- access to any benefit, facility or service (this and provision of education covers all aspects of school life and the teaching of disabled pupils)
- exclusions
- any other detriment

The Education Authority has a duty to make reasonable adjustments to support disabled pupils and to prevent them from being discriminated against.

A parent or young person who wants to resolve a disagreement at the jurisdiction can request this by contacting the Service Manager for additional support needs or by contacting the tribunal directly.

The contact details for the jurisdiction are:

Health and Education Chamber
First-tier Tribunal for Scotland

Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Tel: 0141 302 5860
Email: ASNtribunal@scotcourtribunals.gov.uk
Website: <https://www.healthandeducationchamber.scot/>

11.5 Let's Talk ASN

Let's Talk ASN is a free advocacy service for parents and young people with additional support needs who may require support in relation to a dispute with a Local Authority. The Service can be used by anyone who has the right to make a reference to the Health and Education Chamber of the First-tier Tribunal for Scotland.

The contact details for this advocacy service are:

Let's Talk ASN
c/o Govan Law Centre
18–20 Orkney Street
GLASGOW
G51 2BZ

Tel: 0141 445 1955
Email: letstalkasn@edlaw.org.uk
Website: <http://www.edlaw.org.uk>

11.6 My Rights My Say

In support of children and young people using their rights the Scottish Government have established the My Rights, My Say service. This service offer advice and information, advocacy, legal advice and an independent children's views service.

Email: help@myrightsmysay.scot

Appendix 1: Duties of the Education Authority under the Additional Support for Learning (Scotland) Act 2004 (as amended)

The Additional Support for Learning (Scotland) Act 2004 as amended) confers various functions and imposes duties on education authorities in connection with the provision of school education for children and young people with additional support needs belonging to their area. Education authorities must:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions
- make arrangements to identify additional support needs
- keep under consideration the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person
- provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age) belonging to their area who have been brought to the attention of the authority as having additional support needs arising from their disability
- presume that all looked after children and young people have additional support needs unless the authority determine that they do not require additional support to enable them to benefit from school education
- presume that all looked after children and young people require a coordinated support plan unless the authority determine that they do not meet the requirements for having one
- publish, review and update, as necessary, specified information about their policy and arrangements in relation to provision for identifying, addressing and keeping under consideration such provision for each child or young person with additional support needs for whose school education the authority are responsible
- provide parents of children with additional support needs (eligible children and young people with additional support needs), for whose school education the education authority are responsible with all of the information they are required to publish under the Act
- ensure that a summary of the information published under the Act is available, 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
- provide the above summary in any handbook or other publications provided by any school in the authority's area or by the authority for the purposes of providing general information about the school or, as the case may be, the services provided by the authority, and on any website maintained by any such school or the authority for that purpose
- assess the capacity and impact on wellbeing of a child over the age of 12 years to be able to exercise their rights in respect of additional support for learning, where a child of this age seeks to exercise any right under the Act
- provide those children or young people who need one with a coordinated support plan and keep this plan under regular review
- provide independent and free mediation services for those parents and young people who want to use such services and publish information on these services
- have in place arrangements for resolving disputes

- at least 12 months prior to the expected school leaving date, request and take account of information and advice from appropriate agencies likely to make provision for the child or young person when he or she leaves school
- no later than 6 months before the child or young person is expected to leave school provide information to whichever appropriate agency or agencies, as the authority think appropriate, may be responsible for supporting the young person once he or she leaves school, if the child (where the child has attained the age of 12 and has capacity), child's parent or young person agrees.

Appendix 2: Specialist Provisions and Special Schools

East Lothian Council Early Learning Childcare Setting for complex ASN

The Green Room

Sanderson's Wynd Primary School
Sanderson's Wynd
Tranent
EH33 1DA

Tel: 01875 610275

Website: <https://www.edubuzz.org/nurseryblog/green-room>

The needs of learners are associated with a level and pace of development significantly below that of their peers. This is likely to be across all developmental areas.

These needs are complex and require a highly individualised and highly adapted approach to access play and learning; and access to specialist resources, facilities and technology not ordinarily available in a mainstream learning environment.

East Lothian Council Primary Provisions

Campie Primary School – Enhanced Cluster Support Base

Campie Primary School
Campie Road
Musselburgh
EH21 6QS

Tel: 0131 665 2045

Website: <https://www.edubuzz.org/campie>

The needs of learners are associated with a level and pace of learning significantly below that of their peers (across some areas of the curriculum). In addition they may have other needs including autism, physical and/or mental health needs, sensory impairment and/or behaviour support needs.

These needs require a highly individualised and highly adapted approach to teaching and learning and access to specialist resources and facilities.

The Cove

Dunbar Primary School
Lammermuir Crescent
Dunbar
EH42 1DG

Tel: 01368 863773

Website: <https://www.edubuzz.org/dunbarprimary/the-cove>

The needs of learners are primarily associated with Autism Spectrum Disorder (ASD) and may have needs that are associated with a level and pace of learning significantly below that of their peers (across all areas of the curriculum). These needs are complex and require a significantly modified learning environment.

The Hub

Sanderson's Wynd Primary School
Sanderson's Wynd
Tranent
EH33 1DA

Tel: 01875 610275
Website: <https://www.edubuzz.org/thehub>

The needs of learners are primarily associated with a level and pace of learning significantly below that of their peers (across all areas of the curriculum). In addition they may have a range of complex needs including physical and/or mental health needs, sensory impairment and/or behaviour support needs.

These needs are complex and require a highly individualised and highly adapted approach to teaching and learning; and access to specialist resources, facilities and technology not ordinarily available in a mainstream learning environment.

Wallyford Primary School - Enhanced Cluster Support Base

Wallyford Primary School
39 Salters Road
Wallyford
EH218LB

Tel: 0131 665 2865
Website: <http://wallyford.edubuzz.org>

The needs of learners are associated with a level and pace of learning significantly below that of their peers (across some areas of the curriculum). In addition they may have other needs including autism, physical and/or mental health needs, sensory impairment and/or behaviour support needs.

These needs require a highly individualised and highly adapted approach to teaching and learning and access to specialist resources and facilities.

Windygoul Primary School - Enhanced Cluster Support Base

Windygoul Primary School
Brotherstone's Way South
Tranent
EH33 2QF

Tel: 01875 619739
Website: <https://www.edubuzz.org/windygoul>

The needs of learners are associated with a level and pace of learning significantly below that of their peers (across some areas of the curriculum). In addition they may have other needs including autism, physical and/or mental health needs, sensory impairment and/or behaviour support needs.

These needs require a highly individualised and highly adapted approach to teaching and learning and access to specialist resources and facilities.

East Lothian Council Secondary Provisions

The Base

Ross High School
Well Wynd
Tranent
EH33 2EQ

Tel: 01875 610433

Website: <https://www.edubuzz.org/rhsasn>

The needs of learners are primarily associated with a level and pace of learning significantly below that of their peers (across all areas of the curriculum). In addition they may have a range of complex needs including physical and/or mental health needs, sensory impairment and/or behaviour support needs.

These needs are complex and require a highly individualised and highly adapted approach to teaching and learning; and access to specialist resources, facilities and technology not ordinarily available in a mainstream learning environment.

Meadowpark

Knox Academy
Victoria Road
Haddington
EH41 4DH

Tel: 01620 824541

Website: <https://www.ka-net.org.uk/meadowpark>

The needs of learners are primarily associated with Autism Spectrum Disorder (ASD) and may have needs that are associated with a level and pace of learning significantly below that of their peers (across all areas of the curriculum). These needs are complex and require a significantly modified learning environment.

Managed by City of Edinburgh Council

Braidburn School

107 Oxbgangs Road North
Edinburgh
EH14 1ED

Tel: 0131 312 2320
Email: admin@braidburn.edin.sch.uk
Website: <https://braidburnedinburgh.wordpress.com>

Nursery, Primary and Secondary age. Complex, long term additional support needs learners require a significantly modified learning environment. Needs of learners are primarily associated with learning disability and significant visual/sensory, health and medical needs.

Kaimes School

140 Lasswade Road
Edinburgh
EH16 6RT

Tel: 0131 664 8241
Email: admin@kaimes.edin.sch.uk
Website: <http://www.kaimeschool.com>

Primary and Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with social and pragmatic communication needs associated with autism spectrum disorder.

Pilrig Park School

Balfour Place
Edinburgh
EH6 SDW

Tel: 0131 467 7960
Email: admin@pilrigpark.edin.sch.uk
Website: <https://pirigparkschool.org.uk>

Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.

Woodlands School

36 Dolphin Gardens
Edinburgh
EH14 SRD

Tel: 0131 449 3447
Email: admin@woodlands.edin.sch.uk
Website: <https://woodlandssite.wordpress.com>

Secondary age. Complex, long term additional support needs. Needs of learners are primarily associated with learning disability and autism spectrum disorder.

Managed by Midlothian Council

Saltergate School
Cousland Road
Dalkeith

Midlothian
EH22 2PS

Tel: 0131654 4703
Email: saltersgate@midlothian.gov.uk
Website: <http://saltersgate.mgfl.net>

Primary and Secondary aged pupils with a wide range of additional support needs.

Independent Schools

Aberlour Sycamore Service

West Bridge Mill
Bridge Street
Kirkcaldy
KY1 1TE

Tel: 01592 591500
Email: sycamore@aberlour.org.uk
Website: www.aberlour.org.uk

Offers residential places for vulnerable children and young people who have experienced disadvantage and trauma as a result of early childhood experiences.

Action for Children Scotland

368 Alexandra Parade
Glasgow
G31 3AU

Tel: 0141 550 9010
Website: www.actionforchildren.org.uk

Action for Children offer a number of residential placements for children and young people.

Balnacraig School

Fairmount Terrace
Perth
PH2 7AR

Tel: 01738 636456
Email: admin@balnacraig.net
Website: <http://balnacraig.org.uk>

Offers day and residential places for children and young people with social, emotional and behavioural needs.

Camphill School Aberdeen

Central Office
Murtle Estate
Bielside
Aberdeen

AB15 9EP

Tel: 01224 868420
Email: office@crss.org.uk
Website: www.camphillschools.org.uk

Offers day and residential places for children and young people aged between 6-18 with additional support needs including Autism Spectrum Disorder.

Care Visions Residential

Bremner House
Castle Business Park
Stirling
FK9 4TF

Tel: 01786 477810
Email: info@carevisions.co.uk
Website: www.carevisionsresidential.co.uk

Offers residential places for children and young people who have experienced abuse and trauma.

Donaldson's School

Preston Road
Linlithgow
EH49 GHZ

Tel: 01506 841900
Website: www.donaldsons.org.uk

Offering day and residential places, Donaldson's is Scotland's national school for children who are deaf, hearing impaired or have communication difficulties.

Dunedin School

Liberton Bank House
5 Nether Liberton Lane
Edinburgh
EH16 STY

Tel: 0131672 2638
Website: www.dunedinschool.org

Offers day places for Secondary age pupils with social, emotional and behavioural needs.

East Park School

1092 Maryhill Road
Glasgow
G20 9TD

Tel: 0141 946 2050
Email: enquiries@eastpark.org.uk

Website: www.eastpark.org.uk

Offers day and residential places for children and young people aged between 5 and 19. All pupils have a significant learning disability coupled with additional disabilities including physical disability, sensory impairment, ADHD and Autism Spectrum Disorder.

Falkland House School

Falkland Estate
Falkland
Fife
KY15 7AE

Tel: 01337 857 268
Email: secretary@falklandhouseschool.org
Website: www.falklandhouseschool.org

Offers day and residential places for boys from early Primary to 18, specializing in Autistic Spectrum Disorder, social, emotional and behavioural needs, ADHD and Tourette's syndrome.

Harbour Point School (Spark of Genius)

Newhailes Road
Musselburgh
EH21 6QD

Tel: 0131 665 8434
Website: www.sparkofgenius.com

Offers day places for children aged 10-18 years with social, emotional and behavioural needs.

Harmeny School

Mansfield Road
Balerno
Midlothian
EH14 7JY

Tel: 0131 449 3938
Website: www.harmeny.org.uk

Offers day and residential places for children aged 5-14 years with social, emotional and behavioural needs.

Hillside School

Aberdour
Fife
KY3 OR

Tel: 01383 860731
Email: Enquiries@hillside.co.uk
Website: <https://hillside.school.co.uk>

Offers residential places for boys with aged 10-18 years social, emotional and behavioural needs.

Kibble Education and Care Centre

Goudie Street
Paisley
PA3 2LG

Tel: 0141 889 0044
Website: <https://www.kibble.org/>

Offers day and residential places for children and young people aged 5 and over, with complex social, emotional and educational needs.

New Struan School

100 Smithfield Loan
Alloa
FK10 1NP

Tel: 01259 222 0000
Email: newstruan@scottishautism.org
Website: www.newstruanschool.org

Offers day and residential places for children and young people aged between 5 and 19 with Autism Spectrum Disorder.

Royal Blind School

43 Canaan Lane
Edinburgh
EH10 4SG

Tel: 0131 446 3120
Website: www.royalblind.org/education

Offers day and residential places for Nursery, Primary and Secondary age pupils who are visually impaired or blind.

Spark of Genius

Trojan House
Phoenix Business Park
Paisley
Renfrewshire
PA1 2BH

Tel: 0141 587 2710
Email: admin@sparkofgenius.com
Website: www.sparkofgenius.com

For secondary aged young people with a range of social, emotional, behavioural and learning needs. Spark of Genius operate a day placement school in Musselburgh (see Harbour Point School) as well as residential services.

St Phillip's School

Beachwood House

Plains
Airdrie
MLG 7JE

Tel: 01236 765407
Email: admin@stphillipsschool.org.uk
Website: www.stphillipsschool.org.uk/

For children and young people aged 10-17yrs with social, emotional and behavioural difficulties.

Starley Hall

Aberdour Road
Burntisland
Fife
KY3 OAG

Tel: 01383 860314
Email: info@starleyhall.co.uk
Website: www.starleyhall.co.uk

Offers day and residential places for children and young people aged between 10-18 year with social and emotional needs. These may be coupled with ADHD, Autism Spectrum Disorder, Attachment Disorder and mild to moderate learning difficulties.

Appendix 3: Grounds for Refusing a Placing Request

The grounds of refusal are set out in the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended). They are as follows:

- Where placing the child in the specified school would make it necessary for the Education Authority to take an additional teacher into employment.
- Where placing the child in the specified school would give rise to significant expenditure on extending or otherwise altering the accommodation or facilities provided there.
- Where placing the child in the specified school would be seriously detrimental to the continuity of the child's education.
- Where placing the child in the specified school would be likely to be seriously detrimental to order and discipline in the school.
- Where placing the child in the specified school would be likely to be seriously detrimental to the educational well-being of pupils attending the school.
- Where the education normally provided at the specified school is not suited to the age, ability or aptitude of the child.
- Where the Education Authority have already required the child to discontinue attendance at the specified school.
- In a case of a special school not managed by the Education Authority, where the child does not have additional support needs requiring the education or special facilities normally provided there.
- In a case where the specified school is a single sex school, where the child is not of the sex admitted there.
- Where, assuming that pupil numbers remain constant, placing the child in the specified school would make it necessary at the commencement of a future stage of the child's primary education for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school.
- Where, although neither 1 nor 2 above apply, the capacity of the school would be exceeded in terms of pupil numbers.
- In a case where:
 - the specified school is not a public school;

- the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school
 - it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph ii to place the child in the specified school
 - the authority have offered to place the child in the school referred to in paragraph ii.
- In a case where the specified school is a special school and placing the child in the school would breach the requirement in section 15(1) of the Standards in Scotland's Schools etc Act 2000 to provide education in a mainstream school unless there are the following exceptional circumstances:
 - placing the child in a mainstream school would not be suited to the ability or aptitude of the child.
 - placing the child in a mainstream school would be incompatible with the provision of efficient education for the children with whom the child would be educated.
 - placing the child in the mainstream school would result in unreasonable public expenditure being incurred which would not ordinarily be incurred.

Appendix 4: Transition Timeline

Key dates and timescales

The tables below contain key dates and timescales for the various stages of transition. In addition to the key activities/processes detailed in the tables, a wide range of other activities/processes will be ongoing depending on the individual child or young person's needs.

Nursery to Primary 1

year	Month	activity/process
Preschool year	Sept	Identify pupils with additional support needs who will transfer from nursery to P1 at the end of the next academic year
	Jan	Schools must seek and take account of relevant advice and information from pupil, parent and relevant agencies no later than six months prior to transition
	May	Schools must pass on information about a pupil to infant school/provision and relevant agencies no later than three months prior to transition
P1	Sept/Oct	Settling in reviews for identified pupils

Primary to Secondary

year	month	activity/process
P6	Sept	Identify pupils with additional support needs who will transfer from P7 to S1 at the end of the next academic year
P7	Aug	Schools must seek and take account of relevant advice and information from pupil, parent and relevant agencies no later than 12 months prior to transition
	Feb	Schools must pass on information about a pupil to secondary school/provision and relevant agencies no later than six months prior to transition
S1	Sept/Oct	Settling in reviews for identified pupils

Secondary to Post School

year	month	activity/process
S3 or penultimate year at school	Sept	Identify pupils with additional support needs who intend to leave school at the end of next academic year
	Jan	Start preparations for identified pupils
final year at school	Aug	Schools must seek and take account of relevant advice and information from pupil, parent and relevant agencies no later than 12 months prior to transition
	Feb	Finalise preparations for identified pupils
	Feb	Schools must pass on information about a pupil to the post school provision and relevant agencies no later than six months prior to transition

Appendix 5: Services and Other Useful Contacts

East Lothian Council Services

East Lothian Council

Service Manager for additional support needs

East Lothian Council
John Muir House
Haddington
EH41 3HA.

Tel: 01620 827648

Educational Psychology Service

East Lothian Council
John Muir House
Haddington
EH41 3HA.

Tel: 01620 827648

Email: educationalpsychologyservice@eastlothian.gov.uk

Pre-School Home Visiting Teacher

Sandersons Wynd Primary School
Sanderson's Wynd
Tranent
EH33 1DA

Tel: 01875 610275

Hearing Impaired Service

Longniddry Primary School
Kitchener Crescent
Longniddry
EH32 0LR

Tel: 01875 853161

East Lothian Vision Impairment Education Service

John Muir House
Haddington
EH41 3HA

Tel: 01620 827961

Email: asl@eastlothian.gov.uk

NHS Services

Child and Adolescent Mental Health Service (CAMHS)

The Esk Centre
Ladywell Way
Musselburgh
EH21 6AJ

Tel: 0131 446 4880/4872

Speech and Language Therapy Department

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 446 4009

Paediatric Occupational Therapy Team

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 446 4013

Children's Physiotherapy Service

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 446 4009

Community Child Health

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 446 4009

East Lothian Learning Disabilities Nursing Team

Dunpender
Herdmanflat Hospital
Aberlady Road
Haddington
EH41 3BU

Tel: 0131 5368542

School Nursing

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 536 8107

Music Therapy Department

Musselburgh Primary Care Centre
Inveresk Road
Musselburgh
EH21 7BP

Tel: 0131 446 4009

Other Services

The Action Group

Norton Park Centre
57 Albion Road
Edinburgh
EH7 5QY

Tel: 0131475 2315

E-mail: info@actiongroup.org.uk

Website: www.actiongroup.org.uk

The Action Group provide an information service, in addition to running a wide range of support services for children with additional support needs and their families.

Action on Hearing Loss

1-3 Highbury Station Road
London
N1 1SE

Information line: 0808 8080123

Tel: 0141 341 5330

Email: scotland@hearingloss.org.uk

Website: www.actiononhearingloss.org.uk

A charity connected to the Royal National Institute for Deaf People. Offer services and support to people with hearing loss.

Afasic

20 Bowling Green Lane
London
EC1R 0BD

Afasic Helpline: 0300 6669410

Tel: 0207 4909410

Website: www.afasic.org.uk

A charity providing support to children and young people with speech and language impairments and their families.

Barnardo's Scotland (Edinburgh)

111 Oxfords Road North
Edinburgh
EH14 1ED

Tel: 0131 446 7000

Website: www.barnardos.org.uk

Provide support to children, young people, parents and carers.

Capability Scotland

Osbourne House
1 Osbourne Terrace
Edinburgh
EH12 5HG

Tel: 0131 337 9876

Textphone: 0131 346 2529

Website: www.capability-scotland.org.uk

Provides care, education and employment services for disabled children and adults across Scotland.

Carers of East Lothian

94 High Street
Musselburgh
EH21 7EA

Tel: 0131665 0135

Email: centre@coel.org.uk

Website: www.coel.org.uk

Carers of East Lothian support adults in a caring situation in East Lothian with information and services.

Childline Scotland

11 Thistle Street
Edinburgh
EH2 1DF

Tel: 0800 1111 (Helpline)

0844 8920280 (Office)

Website: www.childline.org.uk

Provides online and telephone support to children and young people.

Children 1st

83 Whitehouse Loan
Edinburgh
EH91AT

Tel: 0131 446 2000
Email: cfs@children1st.org.uk
Website: www.children1st.org.uk

Children 1st are Scotland's National Children's Charity and offer practical advice and with support for children and families.

Children and Young People's Commissioner Scotland

Rosebery House
9 Haymarket Terrace
Edinburgh
EH12 SEZ

Tel: 0800 0191179 (Young people's Freephone)
0131 346 5350 (Office)
Website: www.cypcs.org.uk

The Commission works to ensure children and young people are aware of their rights and their rights are respected.

Citizens Advice Scotland (National)

Website: www.cas.org.uk

Citizens Advice Bureau Haddington
46 Court Street
Haddington
EH413NP

Tel: 01620 824471
Website: www.haddingtoncab.co.uk

Musselburgh and District Citizens Advice Bureau
141 High Street
Musselburgh
EH21 7DD

Tel: 0131 653 2748
Website: www.musselburghcab.org.uk

Citizens Advice Scotland form Scotland's largest independent advice network

Contact (National)

Tel: 0808 808 3555
Email: helpline@cafamily.org.uk
Website: www.cafamily.org.uk

Contact (Scotland Office)

Craigmillar Social Enterprise and Arts Centre
11/20 Harewood Road
Edinburgh
EH16 4NT

Tel: 0131 6592930
Email: Scotland.office@contact.org.uk

Contact provides support, advice and information for families with disabled children.

Cystic Fibrosis Trust

One Aldgate
Second Floor
London
EC3N 1RE

Tel: 0300 3731000
Email: helpline@cysticfibrosis.org.uk
Website: www.cysticfibrosis.org.uk

A charity providing support to support to those with Cystic Fibrosis and their families.

Down's Syndrome Scotland

Riverside House
502 Gorgie Road
Edinburgh
EH11 3AF

Tel: 0131 442 8840
Email: info@dsScotland.org.uk
Website: www.dsScotland.org.uk

A charity proving through life support to people with Down's Syndrome and their families.

Dyslexia Scotland

2nd Floor - East Suite
Wallace House
17-21 Maxwell Place
Stirling
FK8 1JU

Helpline: 0344 800 8484
Tel: 01786 446650
Email: info@dyslexiascotland.org.uk
Website: www.dyslexiascotland.org.uk

A charity providing and promoting services to people with dyslexia.

Dyspraxia Foundation

8 West Alley
Hitchin
Hertfordshire
SG51EG

Helpline: 01462 454986
Tel: 01462 455016
Email: info@dyspraxia.org.uk
Website: www.dyspraxiafoundation.org.uk

A charity providing a helpline to people with dyspraxia and their families.

East Lothian Special Needs Playscheme

Community Centre
8 Law Road
North Berwick
EH39 4PN

Tel: 01620 893 056
Email: elsnp@eastlothian.gov.uk
Website: www.elsnp.com

ELSNP provides full day playschemes during school holidays for East Lothian children aged 5-16 years with a wide range of special needs/ disabilities.

ELCAP

Website: <http://www.elcap.org>

ELCAP provide services and advice for people with learning disabilities and their families.

Enable Scotland

INSPIRE House
3 Renshaw Place
Eurocentral
North Lanarkshire
ML1 4UF

Tel: 01698 737000
Email: enabledirect@enable.org.uk
Website: www.enable.org.uk

A charity who aim to enable every person who has a learning disability to have the choice and control to live the life they choose.

Enquire

Children in Scotland
Rosebury House
9 Haymarket Terrace
Edinburgh

EH12 5EZ

Tel: 0345 123 2303
Email: info@enquire.org.uk
Website: www.enquire.org.uk

Enquire is the Scottish advice service for additional support for learning. Managed by Children in Scotland and funded by the Scottish Government they offer independent and impartial advice and information to parents, carers, practitioners, children and young people.

Epilepsy Scotland

48 Govan Road
Glasgow
G511JL

Tel: 0808 800 2200
Email: enquiries@epilepsyscotland.org.uk
Website: www.epilepsyscotland.org.uk

A charity, Epilepsy Scotland works with people living with epilepsy.

Equality Advisory and Support Service

FREEPOST EASS HELPLINE FPN6521

Tel: 0808 800 0082
Website: www.equalityadvisoryservice.com

Provides a helpline advising and assisting individuals on issues relating to equality and human rights.

Equality and Human Rights Commission (Scotland)

151 West George Street
Glasgow
G2 2JJ

Tel: 0141 2285910
Website: www.equalityhumanrights.com/en/commission-scotland

Provides advice and guidance to individuals and private, public sector and voluntary organisations on equality and human rights.

Forth One Cash for Kids

Cash for Kids
Radio Forth
Forth House
Forth Street
Edinburgh
EH1 3LE

Tel: 0131 475 1332
Email: cashforkids@radioforth.com
Website: <http://planetradio.co.uk/forth>

Cash for Kids is the official charity of the Forth 1 radio station and help children in Edinburgh, The Lothians and Fife who are disadvantaged through poverty, and who are sick or disabled.

Govan Law Centre - Education Law Unit

18-20 Orkney Street
Glasgow
G512BZ

Tel: 0141 445 1955
Email: advice@edlaw.org.uk
Website: www.edlaw.org.uk

Provided by the charity, Govan Law Centre, provides an education law helpline and legal representation to parents and young people in appropriate cases.

Keycomm

1c Pennywell Road
Edinburgh
EH4 4PH

Tel: 0131 311 7130
Website: <http://keycomm.weebly.com/>

Keycomm provide a multi-disciplinary service for people with communication disorders through recommending appropriate technology and support and providing training and information for professionals, carers and users about the use and application of technology.

Kindred

7 Rutland Court Lane
Edinburgh
EH3 8ES

Tel: 0800 0315793 (option 1)
Email: enquiries@kindred-scotland.org
Website: www.kindred-scotland.org

A charity providing information, advocacy and support to parents and carers of children with additional support needs aged 0 - 18 years.

Lothian Autistic Society

Davidson House
57 Queen Charlotte Street
Leith
Edinburgh
EH6 7EY

Tel: 0131 6613834
Email: office@lothianautistic.org
Website: www.lothianautistic.org

A charity providing services, information and practical support to individuals on the autistic spectrum, their families and carers in Edinburgh and the Lothians.

Lothian Centre for Inclusive Living (LCIL)

Norton Park Centre
57 Albion Road
Edinburgh
EH7 5QY

Tel: 0131 475 2350
Website: www.lothiancil.org.uk

The Lothian Centre for Inclusive Living (LCiL) is a user-led not-for-profit organisation who work with disabled people, people with long-term conditions and older people, parents and carers.

Muirfield Riding Therapy

The Indoor Arena
West Fenton
North Berwick
EH39 SAL

Tel: 01620 842 502
Email: admin@muirfieldridingtherapy.co.uk
Website: www.muirfieldridingtherapy.org.uk

A charity offering children and adults of all ages with various disabilities, the opportunity to ride free of charge.

National Autistic Society (Scotland)

Central Chambers
1st Floor
109 Hope Street
Glasgow
G2 6LL

Tel: 0141 2218090
Email: scotland@nas.org.uk
Website: www.autism.org.uk

The National Autistic Society are the UK's largest provider of specialist autism services.

National Deaf Children's Society

131 West Nile Street
Glasgow
G1 2RX

NDCS Helpline: 0808 800 8880
Tel: 0141 332 6133
Email: ndcs.scotland@ndcs.org.uk
Website: www.ndcs.org.uk

A charity providing support and advice to children, young people and their families.

Partners in Advocacy (Edinburgh)

2nd Floor
27/5 Beaverhall Road
Edinburgh
EH7 4JE

Tel: 0131 478 7723/7724
Email: Edinburgh@partnersinadvocacy.org.uk
Website: www.partnersinadvocacy.org.uk

Provides free and confidential independent advocacy.

Recharge (Tranent)

3A Church Street
Tranent
East Lothian
EH33 1AA

Tel: 01875 611288
Website: www.rechargenow.co.uk

A charity which aims to support young people aged between 11-18 with any issues that they may be facing, who live in the Fa'side area of East Lothian.

Royal National Institute for the Blind

12-14 Hillside Crescent
Edinburgh
EH7 5EA

RNIB Helpline : 0303 123 9999

Tel: 0131 6523140
Email: rnibscotland@rnib.org.uk
Website: www.rnib.org.uk

A national charity providing support to blind and partially sighted people.

SAMH (Scottish Association for Mental Health)

Tel: 0141 5301000
Email: enquire@samh.org.uk
Website: www.samh.org.uk/

SAMH currently operates over 60 services in communities across Scotland providing mental health social care support, homelessness, addictions and employment services, among others.

Schoolhouse Home Education Association

1 Victoria Road

Dundee
DD11EL

Email: contact@schoolhouse.org.uk
Website: www.schoolhouse.org.uk

A charity offering information and support related to home-based education.

Scottish Autism

Hilton House
Alloa Business Park
Whins Road
Alloa
FK10 3SA

Tel: 01259 720044
Email: autism@scottishautism.org
Website: www.scottishautism.org

A charity and the largest provider of autism-specific services in Scotland.

Scottish Child Law Centre

54 East Crosscauseway
Edinburgh
EH8 9HD

Tel: 0131 667 6333
Email: enquiries@sclc.org.uk (General enquiries)
advice@sclc.org.uk (Legal advice)
Website: www.sclc.org.uk

Offers free legal advice for and about children and young people.

Scottish Independent Advocacy Alliance

Mansfield Traquair House
15 Mansfield Place
Edinburgh
EH3 6BB

Tel: 01315241975
Email: enquiry@siaa.org.uk
Website: www.siaa.org.uk

SIAA can provide information on independent advocacy.

Scottish Network for Able Pupils (SNAP)

St Andrew's Building
University of Glasgow
11 Eldon Street
Glasgow
G3 6NH

Tel: 0141 330 3071
Email: snap@educ.gla.ac.uk
Website: www.gla.ac.uk/schools/education/ablepupils

SNAP work to raise awareness about highly able pupils and work with teachers and schools.

Sense Scotland

43 Middlesex Street
Glasgow
G41 1EE

Tel: 0300 3309292
Email: info@sensescotland.org.uk
Website: www.sensescotland.org.uk

A charity supporting disabled people and their families throughout Scotland.

SKILL Scotland

Norton Park
57 Albion Road
Edinburgh
EH7 SQY

Tel: 0800 3285050 (Information Service)
0131 475 2348 (Office)
Email: admin@skillscotland.org.uk
Website: www.skill.org.uk

A charity promoting opportunities for young people and adults with any kind of disability in post- 16 education, training and employment across the UK.

Sleep Scotland

8 Hope Park Square
Edinburgh
EH8 9NW

Tel: 0131 651 1392
Website: www.sleepscotland.org

A charity which promotes healthy sleep in children and young people through sleep awareness, sleep counselling and education

Appendix 6: Links to Legislation and Local/National Guidance

Legislation

- [*The Education \(Additional Support for Learning\) \(Scotland\) Act 2004*](#)
- [*The Education \(Additional Support for Learning\) \(Scotland\) Act 2009 amendment*](#)
- [*The Children \(Scotland\) Act 1995*](#)
- [*The Standards in Scotland's Schools etc. \(Scotland\) Act 2000*](#)
- [*The Education \(Disability Strategies and Pupil Records\) \(Scotland\) Act 2002*](#)
- [*The Equality Act \(2010\)*](#)
- [*The Children and Young People Act \(2014\)*](#)
- [*The Carers \(Scotland\) Act 2016*](#)
- [*The Education \(Scotland\) Act 1980*](#)
- [*The Education \(Scotland\) Act 2016*](#)

National Guidelines and Practice Documents

- [*Supporting Children's Learning: Code of Practice \(third edition\) 2017*](#) explains the duties placed on Education Authorities and other agencies to support children and young people's learning. It provides guidance on the ASL Act's provisions as well as on the supporting framework of secondary legislation.
- The [*National Improvement Framework for Scottish Education*](#) sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework, part of the Education (Scotland) Act 2016, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.
- The [*Curriculum for Excellence*](#) aims to provide a coherent, more flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- The [*UN Convention on the Rights of the Child*](#) or UNCRC, is the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history.

East Lothian Council Policy, Guidance and Practice Documents

- Child's Planning Framework guidance (2017)
- The Handbook of Procedures for the Management of Pupils with Healthcare Needs in Educational Establishments (2017)
- Admission to Specialist Educational Provision guidance (2017)
- Allocation of Resources to Support Children and Young People with additional support needs (2017)
- A Positive Approach to Preventing and Managing School Exclusions policy (2018)
- Managing Distressed and Challenging Behaviour policy (2018)