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## Education (Additional Support for Learning) (Scotland) Act 2004

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*This Act introduced significant changes to Education Law.*

The Education (Additional Support for Learning) (Scotland) Act came into force on 14<sup>th</sup> November 2005.

It improved and modernised systems for identifying and meeting the needs of **ALL** children and young people who may need support with their learning.

The Scottish Executive produced a Code of Practice to accompany the Act which is called Supporting Children's Learning. It explains the duties on the Highland Council and sets out good practice.

The Act introduced a new framework for supporting children and young people in education and introduced the term Additional Support Needs.

**The term Additional Support Needs applies to children or young people who, for whatever reason, require additional support, long or short term, in order to make the most of their education.**

The Act does not just cover education. It places a legal obligation on other agencies to help the Highland Council to support children and young people with Additional Support Needs.

When the Act came in to force on 14<sup>th</sup> November 2005 the term "Special Educational Needs" was no longer used and the Record of Needs system ceased. The new system of Additional Support Needs started. All children who had a Record of Needs (RON) at 14<sup>th</sup> November 2005 were deemed to have additional support needs.

The Additional Support Needs of most children and young people will continue to be identified, and provided for by the systems which all schools already have in place (e.g. Staged Approach, Individualised Educational Programme {IEP}).

Some children and young people may require help from other agencies and this will be co-ordinated through the child's plan under the Getting It Right For Every Child approach (see Information Sheet 12).

A small number of children and young people will have additional support needs which are/arise from complex or multiple factors, have a significant adverse affect on their learning, will last for more than a year and require a high level of support from more than one agency to benefit from education. This support may be co-ordinated by a Co-ordinated Support Plan (CSP) as part of the Child's Plan.

The format of the Co-ordinated Support Plan is set by law. Parents can request that the Education Authority considers whether or not their child should have a Co-ordinated Support Plan, and that particular assessments be carried out as part of the process. Co-ordinated Support Plans must be formally reviewed every 12 months.

All children and young people who had a Record of Needs at 14th November 2005 were deemed to have Additional Support Needs. Local Authorities were required to review the needs of all children and young people who had a Record of Needs. The educational support for these children and young people could not usually be changed until this review had taken place.

Some children and young people who previously held a Record of Needs had needs that met the criteria for a Co-ordinated Support Plan, some did not. The criteria for a Co-ordinated Support Plan are stricter than those for a Record of Needs.

The educational support given to those children and young people who had a Record of Needs but who did not meet the criteria for a Co-ordinated Support Plan was safeguarded for a further two years after the review.

There are very wide rights for parents and young people to use mediation and dispute resolution services and to appeal to independent tribunals.

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