

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

This new Act introduced significant changes to Education Law.

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

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

The Scottish Executive has prepared a Code of Practice to accompany the Act. This explains the new 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 November 14th the term "Special Educational Needs" would no longer be used and the Record of Needs system stopped. The new system of Additional Support Needs started.

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 had in place.

Some children and young people may require help from other agencies and this will be co-ordinated through the Liaison Groups.

A small number of children and young people will have additional support needs which are, complex or multiple, 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. This support may be co-ordinated by a Co-ordinated Support 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 November 14th 2005 will be deemed to have Additional Support Needs. The Highland Council has two years to review the needs of all children and young people who have a Record of Needs. The educational support for these children and young people cannot usually be changed until this review has taken place.

Some children and young people who previously held a Record of Needs will have needs that meet the criteria for a Co-ordinated Support Plan, some will 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 have had a Record of Needs but who do not meet the criteria for a Co-ordinated Support Plan will be safeguarded for a further two years after the review.

There are new and 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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