What’s my role?

Early Years Education Practitioners and The Education (Additional Support for Learning) (Scotland) Act 2004

The following information is intended to help education practitioners in the early years sector (from 0-5 years) carry out their duties under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) referred to as ‘the Act’.

Who should read this?

- **Education:** education staff in nursery provision, headteachers, teachers, nursery nurses, and staff in partner providers for pre-school education.

- **Early years and childcare:** nursery nurses, early years workers in family centres, staff delivering out of school provision.

What gives rise to additional support needs?

A wide range of factors may lead to some children and young people having a need for additional support. These fall broadly into four themes:

- the learning environment
- family circumstances
- disability or health needs
- social and emotional factors.

Where can I find guidance on my responsibilities?

**Supporting children’s learning code of practice 2010** provides guidance on how the law might work in certain situations.

- You should refer to this code and try to develop your knowledge and understanding of how it applies in your day-to-day work.
Which children does this apply to?

- children who are in pre-school provision managed by the local authority
- children who attend a private nursery/playgroup which is in a partnership agreement with the local authority
- children with a disability under the age of three years who may be referred to a local authority.

How does the Act apply to private nurseries and playgroups?

The Act does not apply to children in private nurseries/playgroups unless they are in a partnership agreement with the local authority. However the valuable role they play is recognised and a local authority may consult with staff before a child with additional support needs moves to pre-school or primary.

How does the Act affect my day-to-day work?

- You may be involved in identifying a child’s additional support needs and preparing or reviewing learning plans such as individualised educational programmes (IEPs) or similar local plans or co-ordinated support plans (CSPs).
- You should ensure that all children receive the necessary support to help them work towards achieving their full potential. Your own good practice will already be aimed towards this.

What does the Act say about my involvement with parents?

Again, your own good practice probably mirrors much of what is in the Act, such as involving parents fully in assessment, planning or reviews. However, parents have specific rights that you should be aware of and act upon as necessary. For example, parents can ask:

- for the school or local authority to establish whether their child has additional support needs or requires a CSP
- for a particular assessment
- for advice and information about their child’s additional support needs
- for access to a mediation service (Enquire factsheet 8: Mediation) or for dispute resolution by independent adjudication (Enquire factsheet 12: Resolving disputes using independent adjudication)
• to bring a supporter or an advocate to help present their views at a school meeting
• to make a placing request to a pre-school provider and later appeal against a refusal if their child has additional support needs.

Guidance on working with families can be found in Chapter 7 of **Supporting children’s learning code of practice 2010**.

**What do I need to know about co-ordinated support plans (CSPs)?**

A CSP is a legal document so certain rules and regulations must be followed, including keeping to set timescales and regular review. A CSP co-ordinates the support provided by education and other agencies, such as social work and health, to enable the child or young person to achieve their educational objectives.

Only a small number of children or young people will require a CSP.

**Those who require a CSP must meet the following criteria:**
• a local authority is responsible for their education
• they have additional support needs that result from complex or multiple factors
• these needs are likely to last for more than one year
• they require significant additional support from education and one or more of the appropriate agencies such as health or another department of the local authority such as social work.

**What is my role in the CSP process?**

You may be involved in assessments to decide whether a child is eligible for a CSP. Your local authority will have its own policy, which covers procedures and practice for CSPs, that you should consult. It may be helpful to refer to Chapter 5 of **Supporting children’s learning code of practice 2010**, or **Enquire factsheet 13: Co-ordinated support plans**.

The CSP sets the educational objectives for what the child should learn, building on their strengths.
• You may be involved in setting these and supporting the child to achieve them.
• You may work jointly with other professionals.
• You may be responsible for noting parents’ views in the CSP.
• If you are closely involved with the child, you may be nominated as the CSP co-ordinator, or should know who this is.
• You should be aware that although the CSP is a confidential document, it is also a strategic planning document so should be used and referred to regularly.
• You will also be involved in reviewing the CSP on an annual basis, or earlier, under certain circumstances.

What is my involvement with other agencies?
• You should be working in partnership to ensure the child fulfils their potential.
• This may involve collaborative assessment and planning, particularly under the Getting it right for every child approach.
• If several assessments are required, a lead professional (who could be you) should be appointed to manage the process. They should ensure everything is linked to avoid duplication and ease pressure on families.
• You may need to liaise closely with health and social work professionals if you work with a disabled child under the age of three who also has additional support needs. The child is too young for a CSP but some form of integrated plan may be necessary.

What does the Act say about resolving disputes with parents?
Through good practice most disagreements are resolved at school or local authority level. However the Act allows access to several processes should the dispute continue. You should be able to provide parents with information from your local authority about these and to advise parents of their right to access these services.

1. Mediation
This is a voluntary process that can usually be arranged quite quickly.
• You may be involved in meeting the mediator and taking part in the mediation process. (Enquire factsheet 8: Mediation)
2. Independent adjudication
This can take up to 60 working days and involves a formal review of a parent’s dispute with the local authority.

• You may be involved in providing evidence for the independent adjudicator. (Enquire factsheet 12: Resolving disputes using independent adjudication)

• You may be involved in carrying out the recommendations.

3. Additional Support Needs Tribunals for Scotland
Tribunals hear and decide references (appeals) made by parents and young people relating to CSPs, certain placing request refusals and failures over post-school transition duties. Tribunals also hear cases related to the disability discrimination of pupils under the Equality Act 2010.

• You may be asked to contribute to a report or appear as a witness.

What do I need to know about transitions?
When starting pre-school, moving to primary, or between mainstream and special school, routine arrangements should ensure a smooth transition for all children. However there are certain duties to fulfil for some children with additional support needs who receive support from other agencies whether or not they have a CSP.

• Information must be gathered from appropriate agencies and others that the local authority thinks appropriate. This should be done at least six months before a child with additional support needs starts pre-school (12 months for primary school).

• This information must be passed to other agencies’ staff who will be involved in providing support, at least three months before the child is due to start at pre-school (six months for primary school).

• You must take the views of the parents into account.

• You must send copies of the information to the parents.

• Consent is required when passing on information.
What should I know about ‘Getting it right for every child’?

Getting it right for every child is a national programme that aims to improve the lives of all children and young people in Scotland. It provides a framework for all actions by practitioners, whether working in early years, health, education, social work, the police, housing, the voluntary sector or adult services — where parents are involved. It aims to simplify assessment and planning for a child’s support. It is anticipated that as of Autumn 2018, Child’s Plans will be created if a child or young person needs extra support to meet their wellbeing needs such as access to mental health services or respite care, or help from a range of different agencies.

In addition, all children and young people (up to the age of 18) will be offered access to a Named Person service. The Named Person will take responsibility for coordinating the support for the child’s wellbeing and keeping the parents informed. A Named Person will normally be the health visitor for a pre-school child and a promoted teacher — such as a head teacher, or guidance teacher or other promoted member of staff — for a school age child. Each local authority will have its own way of implementing this.

• You should be aware of how this is done in your area
• You should be aware of your role in any Child’s Plans and your duties regarding sharing information with the Named Person

Information, including key updates and developments, is available through the Scottish Government website.

www.gov.scot/Topics/People/Young-People/gettingitright

Where to find out more

Enquire publications including our factsheet on early years and childcare and The Parents’ guide to additional support for learning, are available on www.enquire.org.uk/information

Early Years Framework www.gov.scot/Publications/2009/01/13095148/0


The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2005 (SSI number 518)


Getting it right for every child information www.gov.scot/Topics/People/Young-People/gettingitright/publications


Further useful information
The following can be found on Education Scotland’s website at: www.educationscotland.gov.uk/inspectionandreview/

• HMIE Review of the Additional Support for Learning Act: Adding Benefits for Learners
• HMIE report on the implementation of the Education (Additional Support for Learning)(Scotland) Act 2004
• HMIE Early Years good practice conference
• Education for Pupils with Autism Spectrum Disorders
• HMIE report on Improving Scottish Education 2005-2008
• Count us in – achieving success for deaf pupils

Education Scotland pages on ‘inclusion and equality’ www.educationscotland.gov.uk/inclusionandequalities/index.asp


Additional Support Needs Tribunals for Scotland Guidance www.asntscotland.gov.uk/content/information-and-guidance
Enquire briefing for early years education practitioners

For further information contact:
Enquire, Children in Scotland,
Level 1, Rosebery House, 9 Haymarket Terrace, Edinburgh EH12 5EZ
Helpline: 0345 123 2303 Office: 0131 313 8800 Fax: 0131 337 5050
email: info@enquire.org.uk web: www.enquire.org.uk
© Enquire March 2017