



From the margins to the mainstream

What's my right?
Education (Scotland) Act 2016

Enquire Annual Conference 2017



What's my right?

4 Types of Rights

- Acts
- Decisions
- Advice or Information
- Views



What's my right?

Included

1. Establish additional support needs
2. Establish Co-ordinated Support Plan
3. Assessment request
4. Named advice and info contact (CSP)
5. Request review of CSP
6. Receive info on EA proposal to establish 1 or 2
7. Receive copy of the CSP
8. Consent to data sharing (post-school transition)
9. Supporters and advocacy
10. Views re: mediation
11. Dispute resolution
12. Reference to ASN Tribunals
13. Information published by education authority

Not Included

1. Mediation
2. Placing requests
3. Children with no additional support needs



What's my right?

How an adult exercises their rights ...

1. Adult decides to exercise right
2. Adult exercises right



What's my right?

How a child exercises their rights ...

1. Child decides to exercise right
2. Child notifies authority of their intention to exercise right
3. Authority notifies child's parent of their intention to assess child's capacity to exercise right
4. Authority assesses child's capacity
5. Authority assesses impact on child's wellbeing
6. Authority not satisfied
7. Child refers this to the ASN Tribunal
8. ASN Tribunal assesses child's capacity
9. ASN Tribunal assesses impact on child's wellbeing
10. ASN Tribunal overturns the authority's decision
11. Child exercises right
12. Authority informs parents (and child) of outcome



What's my right?

Support Service

- Distinct from advocacy service provided for parents / young persons
- Free service for children aged 12 or over who:
 - a) wish (or may wish) to exercise their rights; or
 - b) whose parents wish or may wish to exercise their rights.

Service includes:

1. Advice, assistance and information (incl. legal advice) re: these rights
2. A supporter or advocate for discussions in relation to these rights
3. An advocate to conduct discussions with education authorities and make representations
4. An advocacy service for children re: ASN Tribunals



What's my right?

Other developments in the Education (Scotland) Act 2016

- Definition of “young person”
- Learning hours
- Section 70



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