

## What's my role?

# Health Care Practitioners and The Education (Additional Support for Learning) (Scotland) Act 2004

The following information is intended to help health care practitioners 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?

Health visitors, public health nurses, paediatricians, community health teams, physiotherapists, occupational therapists, speech and language therapists, other allied health professionals, clinical psychologists and medical practitioners in paediatrics, general practice and child and family psychiatry.

## 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.

**Guidance on partnership working between Allied Health Professions and Education** aims to improve understanding about the role and working practices of allied health professionals when supporting children with additional support needs.

## 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 child’s support, leading to either a single or multi-agency ‘Child’s Plan’. 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.

### Child’s Plan

It is anticipated that as of Autumn 2018, Child’s Plans will be created if a child or young person needs some extra support to meet their wellbeing such as access to mental health services or respite care, or help from a range of different agencies. For further information on Child’s Plans see Enquire factsheet 1: Planning children and young people’s learning.

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

[www.gov.scot/Topics/People/Young-People/gettingitright](http://www.gov.scot/Topics/People/Young-People/gettingitright)

## How does the Act affect my role?

The Act promotes partnership working between everyone involved so all children and young people can benefit from their education.

- A NHS Board is an ‘appropriate agency’. If asked, health professionals must help an local authority carry out its duties under the Act unless the help requested is incompatible with their statutory or other duties or unduly prejudices their ability to carry out their functions.

## **Working with children and families**

- You should encourage children and young people to contribute to discussions and express their views, making clear that these will be listened to and acted on if appropriate. Some may need extra support to enable them to do this and you may be asked to advise on this.
- You should work in partnership with parents, supporting them, involving them in decision making, listening to their views and drawing upon their knowledge of the child.

Good practice guidance on this can be found in Chapter 7 of **Supporting children's learning code of practice 2010** and also in Enquire's **Involving children and young people in decisions about their education**.

## **What might I be asked to do?**

### **Identification of additional support needs**

Often a 'staged intervention' approach is used to identify and provide for additional support needs.

- Support in the early stages is met within the school, but you may be involved with identifying support needs.
- As these needs increase, support from health and other agencies outwith education may be required.
- Most additional support needs will be identified through routine processes. However you may need to refer a child you work with, to an local authority. Unless the authority considers it unreasonable, it must establish whether that child has additional support needs or requires a co-ordinated support plan (CSP) and should tell you its decision.

### **Assessments**

Assessment is an ongoing process in schools, and you may be asked to contribute.

- You may be asked for advice and information, including assessments, to help establish whether a child or young person has additional support needs or requires a CSP. You may be asked to contribute to a plan or a review.
- Parents and young people have a right to request specific types of assessment. The request cannot specify a named individual, however you may be asked to carry this out, with the child's consent.

These requests should be acknowledged as soon as possible and a response made within 10 weeks, unless any of the exceptions apply. (See the **Additional Support for Learning (Appropriate Agency Request Period and Exceptions)(Scotland) Regulations 2005** (SSI No.264).)

- If you think this timescale cannot be met, you must inform the local authority, giving reasons and a new date for providing the help requested.

### **Monitoring and review**

- You should be aware of arrangements to review plans as required.
- A review should include all agencies involved to reduce the number of meetings families are asked to attend.
- You should know how multi-agency review meetings are convened and who the lead professional is.

## **Which plans might I be involved with?**

### **General planning**

- An integrated action plan may be in place to co-ordinate support, share educational objectives and link with other plans, e.g. health plans, individualised educational programmes (IEPs).

### **Individualised educational programmes (IEPs)**

IEPs are often used, and some authorities use individual support plans or additional support plans. Schools and local authorities are not legally required to prepare an IEP, or equivalent plan. An IEP is often used when detailed planning is needed. This may be because several school staff or other professionals are involved, or significant changes to the curriculum are required. IEPs may form part of the Child's Plan.

- You should be aware of the plans and procedures used in your area.
- You may work with school staff, other professionals, parents and the child to set realistic targets.

### **Co-ordinated support plan (CSP)**

A CSP is a legal document so certain rules must be followed, including keeping to set timescales and regular review. A CSP co-ordinates the support provided by health and other agencies, with education, to enable the child or young person's educational objectives to be achieved.

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 (see below) from education and one or more of the appropriate agencies, such as health, or another department of the local authority.

**Supporting children's learning code of practice 2010** provides guidance to local authorities on making the decision about whether or not the additional support is significant. Some health boards have also issued guidance on how health professionals should interpret 'significant'. It is, however, the local authority that decides on whether the support from the appropriate agency is significant though you should be involved in discussions about this.

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

The local authority is ultimately responsible for deciding who requires a CSP and its content.

You could be asked to assist with this decision so it may be helpful to refer to Chapter 5 of **Supporting children's learning code of practice 2010**. You should also be aware of specific local guidance issued by the local authority and health board.

The CSP sets the educational objectives for what the child should learn, building on their strengths.

- You may be involved in setting objectives and supporting the child to achieve them.
- You should consider each child as an individual.
- The authority must seek and take account of any information and advice you provide.
- You should know who the CSP co-ordinator is. Co-ordinators are often, but not always, education staff.
- Schools may base the first draft of the CSP on information provided or they may hold a multi-agency meeting.

- You should check the draft content carefully then give written agreement or make written amendments.
- 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.

### **Additional Support Needs Tribunals for Scotland (Tribunals)**

The 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 other duties might I have?**

### **Children under 3 years**

- You should formally notify the local authority of any child under 3 years who may have additional support needs arising from a disability (under the **Equality Act 2010**).

### **Changes in school education – Transition**

- You may be asked to help when a pupil with additional support needs is changing school. This will usually be when a child starts pre-school or transfers to primary, secondary or post school provision. There may also be a change of school at another time, including a move between mainstream and special school.
- You may be asked to share information, at least 12 months before any expected change in school education (or six months for a child about to enter pre-school).
- Any relevant information should be passed on to you at least six months before a change in education (or three months for a child about to enter pre-school).
- Consent is required when passing on information.

## **Post-school transition**

Schools will have arrangements in place to provide for the needs of most children and young people as they approach the end of their school education. This should involve recognition of the strengths, abilities, wishes and needs of the pupil, including relevant support strategies, and should be carefully planned. Health and other agencies may be involved so there should be good communication between everyone, including the child or young person and their parents.

The timescales above apply.

## **Looked after children and young people**

You may already have a responsibility towards looked after children and young people. The Act presumes that all looked after children and young people have additional support needs until they are assessed as not having them.

- You and other agencies should work together to ensure an integrated assessment of all their needs.

## **Where to find out more**

Enquire publications including **The parents' guide to additional support for learning** are available on [www.enquire.org.uk/publications](http://www.enquire.org.uk/publications)

The Administration of Medicines in Schools

[www.gov.scot/Publications/2001/09/10006/File-1](http://www.gov.scot/Publications/2001/09/10006/File-1)

Getting it right for every child information

[www.gov.scot/Topics/People/Young-People/gettingitright/publications](http://www.gov.scot/Topics/People/Young-People/gettingitright/publications)

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

[www.legislation.gov.uk/asp/2004/4/contents](http://www.legislation.gov.uk/asp/2004/4/contents)

Education (Additional Support for Learning) (Scotland) Act 2009

[www.legislation.gov.uk/asp/2009/7/contents](http://www.legislation.gov.uk/asp/2009/7/contents)

Supporting children's learning code of practice 2010

[www.gov.scot/Publications/2011/04/04090720/0](http://www.gov.scot/Publications/2011/04/04090720/0)

Enquire publication **Involving children and young people in decisions about their education** [www.enquire.org.uk/involving](http://www.enquire.org.uk/involving)

Guidance on partnership working between Allied Health Professions and Education [www.gov.scot/Publications/2010/05/27095736/0](http://www.gov.scot/Publications/2010/05/27095736/0)

The Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005 (SSI number 264)

[www.legislation.gov.uk/ssi/2005/264/contents/made](http://www.legislation.gov.uk/ssi/2005/264/contents/made)

Additional Support Needs Tribunals for Scotland Guidance

[www.asntscotland.gov.uk/content/information-and-guidance](http://www.asntscotland.gov.uk/content/information-and-guidance)

The Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005 (SSI Number 325) [www.legislation.gov.uk/ssi/2005/325/contents/made](http://www.legislation.gov.uk/ssi/2005/325/contents/made)

The Additional Support for Learning (Appropriate Agencies) (Scotland) Amendment Order 2010 (SSI number 143)

[www.legislation.gov.uk/ssi/2010/143/contents/made](http://www.legislation.gov.uk/ssi/2010/143/contents/made)

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

[www.legislation.gov.uk/ssi/2005/518/contents/made](http://www.legislation.gov.uk/ssi/2005/518/contents/made)

The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2010 (SSI Number 149)

[www.legislation.gov.uk/ssi/2010/149/contents/made](http://www.legislation.gov.uk/ssi/2010/149/contents/made)

The Additional Support for Learning (Changes in School Education) (Scotland) Regulations 2005 (SSI Number 265)

[www.legislation.gov.uk/ssi/2005/265/contents/made](http://www.legislation.gov.uk/ssi/2005/265/contents/made)

Equality Act 2010 [www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents)

Equalities and Human Rights Commission Guidance

[www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance](http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance)

## **Further useful information**

Education Scotland pages on 'inclusion and equalities'

[www.educationscotland.gov.uk/inclusionandequalities](http://www.educationscotland.gov.uk/inclusionandequalities)

The following can be found at: [www.educationscotland.gov.uk/inspectionandreview/](http://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 report on Improving Scottish Education 2005-2008

Count us in – achieving success for deaf pupils

Count us in – successful transitions from secondary schools

Education for Pupils with Autism Spectrum Disorders

Education for learners with dyslexia

Sharing practice across sectors across Scotland

[www.scotland.gov.uk/Publications/2007/02/27143228/0](http://www.scotland.gov.uk/Publications/2007/02/27143228/0)

The administration of medicines in schools 2001

[www.scotland.gov.uk/Publications/2001/09/10006/File-1](http://www.scotland.gov.uk/Publications/2001/09/10006/File-1)

Guidance on education of children absent from school through ill health

[www.scotland.gov.uk/Publications/2001/12/10473/File-1](http://www.scotland.gov.uk/Publications/2001/12/10473/File-1)

Preparing for adult life and transition – Scotland

[www.cafamily.org.uk/media/379959/transitionscot-web-amended\\_11\\_feb\\_2014.pdf](http://www.cafamily.org.uk/media/379959/transitionscot-web-amended_11_feb_2014.pdf)

## **Enquire briefing for health care practitioners**

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