

## What's my role?

# Social Work Practitioners and The Education (Additional Support for Learning) (Scotland) Act 2004

The following information is intended to help social work 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?

Social workers, residential child-care staff, support workers, adoption and foster care service staff and social workers with responsibility for child protection and looked after children.

## 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.

## 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](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.

- Social work services are covered by the Act. A local authority is expected to exercise its functions in addition to education to enable it to carry out its duties under the Act. This is subject to exceptions where to do so would be incompatible with other statutory duties, or unduly prejudice the ability to carry out other functions.
- Social work services belonging to another local authority are an ‘appropriate agency’ and, if requested, must help an local authority carry out its duties under the Act. This is also subject to the above exceptions.

## **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 on their knowledge of the child.
- You could be asked by a parent or young person to act as their supporter or advocate, provided there is no conflict of interest with your duties or responsibilities.

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 social work 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 the right to request specific types of assessment. The request cannot specify a named individual, however you may be asked to carry this out.
- A social work assessment will normally be requested when a residential placement is being considered.

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 number 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. care 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 a Child's Plan.

- You should be aware of the plans and procedures used by your local authority.
- 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 social work 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 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. It is 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 local guidance issued by the local authority.

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.

- The school may base the first draft of the CSP on information provided or 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?**

### **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 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 school 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.

The timescales above apply.

- Social work and other agencies may be involved so there should be good communication between everyone, including the child or young person and their parents.
- You may be asked to carry out an up to date social work assessment of the child or young person's needs
- Appointing a key worker or lead professional may help some transitions. This could be you, a teacher or someone from another agency. If the child or young person has a CSP, the co-ordinator will take the lead in transition planning.

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

You will 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.
- A statutory care plan should contain information on the child or young person's learning needs and ensure co-ordination of support. IEPs and CSPs should be reviewed at the same time. All these will be part of the Child's Plan but a CSP must also be a 'stand alone' document.
- Planning should include parents and the child or young person, so that it is clear what the intended learning outcomes are and what additional support is needed to achieve these.
- You should work closely with education to ensure that looked after children and young people achieve their fullest potential whilst in the education system.

When a looked after child has been placed in accommodation in another local authority or is attending a school in another local authority the home local authority is still responsible for their education.

## **Where to find out more**

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

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

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)

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

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)



## 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 on Education Scotland's website 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 - Improving the education of our looked after children
- Count us in – achieving success for deaf pupils
- Count us in – successful transitions from secondary schools
- Learning with Care
- HMIE report on 'Education for Pupils with Autism Spectrum Disorders'
- Education for learners with dyslexia

General information on looked after children [www.celcis.org](http://www.celcis.org)

The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 (SSI number 608)

[www.legislation.gov.uk/ssi/2003/608/contents/made](http://www.legislation.gov.uk/ssi/2003/608/contents/made)

Sharing practice across sectors across Scotland

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

Extraordinary Lives: Creating a Positive Future For Looked After Children and Young People in Scotland [www.gov.scot/Publications/2006/08/07134204/0](http://www.gov.scot/Publications/2006/08/07134204/0)

We can and must do better [www.gov.scot/Publications/2007/01/15084446/0](http://www.gov.scot/Publications/2007/01/15084446/0)

These are our bairns [www.gov.scot/Resource/Doc/236882/0064989.pdf](http://www.gov.scot/Resource/Doc/236882/0064989.pdf)

Partnership Matters [www.gov.scot/Publications/2009/05/08155445/0](http://www.gov.scot/Publications/2009/05/08155445/0)

Lifelong Partners [www.gov.scot/publications/2005/05/12141235/12362](http://www.gov.scot/publications/2005/05/12141235/12362)

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 social work practitioners**

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