

Education and additional support after 16

This factsheet covers:

- how your local authority (usually the local council's education department) can help with planning for a young person to leave school
- young people's rights in the planning process
- young people's rights for leaving and staying on at school.

It is important that all young people, particularly those with additional support needs, get the help they need to:

- decide what to do when they leave school
- move from school to other opportunities.

How can local authorities help with planning for leaving school?

Local authorities must consider the needs of each young person with additional support needs, doing what is suitable for them. Usually a young person's school will support transition from school alongside suitable agencies such as Skills Development Scotland but sometimes local authority education staff will be involved.

Local authorities can request information from any of the following agencies that may be involved with your child when they leave school.

- Other local authority departments such as social work
- National Health Service (NHS) boards
- Skills Development Scotland
- Further education colleges
- Institutions of higher education
- Other agencies such as voluntary organisations and training providers

The local authority asks for this information so that its staff can:

- think about whether the young person's current level of support is suitable
- make sure there is a good match between this support and the support planned for the young person after they leave school.

Local authorities and their partners have to offer an appropriate place in post-16 learning for every young person who wants it. This offer must be based on the needs of the young person and the career they want.

When should this happen?

The local authority should gather this information at least 12 months before the young person is expected to leave school.

What will happen?

It is good practice for the school or local authority to make clear to you and your child:

- what is going to happen
- when it is going to happen
- who is responsible.

If more than two agencies are involved, the authority will appoint a lead professional to co-ordinate planning. This is a professional who has regular contact with your child and who can act as a single point of contact for you and all other professionals. This might be a teacher, careers advisor, social worker, community education worker or someone from another agency.

How does the local authority take my views into account?

Staff from the school or local authority should discuss with you and (usually) separately with your child the support you both think they need to help them during and after leaving school.

Good communication between you and all the supporting agencies is very important.

How do I make sure my child is involved?

It is vital to involve your child in deciding what they will do when they reach school-leaving age (16). Some young people will need help to decide what they want to do and to express their views. The types of support will depend on your child's needs. For example, your child may:

- benefit from practical experience (such as a work placement) to help them understand their options
- need several short discussions rather than one longer meeting
- need a supporter or advocate to help them join in with discussions; they have a right to ask for this. Young people over 16 have a right to have a supporter or advocate at meetings.

The local authority's duty to take account of your child's views, and your child's right to do certain things, apply only if they can understand the situation, with help. Usually, the adults who know the young person work together to decide whether that young person can understand a particular issue or question¹.

If the young person cannot understand the situation or make an informed decision, they are said to 'lack capacity'. The law² states that a child or young person lacks capacity if they are incapable of doing something because of mental illness, developmental disorder or learning disability or an inability to communicate because of a physical disability.

¹The United Nations Convention on the Rights of the Child states that a child who is 'capable of forming his or her own views' has the right to express those views.

²The Additional Support for Learning Act 2004 (as amended)

A child or young person doesn't lack capacity due to their communication difficulty if this can be overcome by a mechanical aid, or with help from another person such as an interpreter.

What happens next?

No later than 6 months before your child is expected to leave school, the local authority must provide the following information to any relevant agencies:

- the date your child is expected to leave school
- any services the local authority may provide when your child leaves school (for example social work services or housing)
- any other information the local authority thinks will help the agencies provide their services.

The local authority can provide this information only with:

- the young person's consent (over 16s)
- your consent, if they are younger or lack capacity.

What if my child wants to stay at school?

Local authorities must offer all young people an appropriate place to continue their education after age 16.

Although there is no explicit right to school education after the age of 16, young people do have the right to remain in school if the local authority is already educating them.

If a young person with additional support needs stays on at school, the local authority

has many duties that continue to apply to their education after age 16. It must:

- provide adequately and efficiently for the young person's additional support needs
- regularly review the additional support needs, and how adequate the support is
- take account of the additional support needs in all arrangements
- direct education towards developing the young person's personality, talents, and mental and physical abilities to their full potential
- take account of the young person's views when making decisions that significantly affect them
- provide education, as far as possible, in line with their parents' wishes.

The local authority has the power to allow a young person to stay on in school beyond the age of 18. This may happen if, for example, there is a delay in finding an appropriate place for them in further education.

However, the local authority does not have a duty to do this.

Can my child choose which school they want to attend?

A young person has the right to make a 'placing request' to a school of their choice. If this succeeds, the local authority must place them there.

If you think your child cannot do this, you can make the request for them. A school cannot refuse a placing request on the grounds that the young person is 16 or over. If the placing request is refused, you or your child could appeal. For more information, see **Enquire factsheet: Placing requests**.

What happens when my child has a co-ordinated support plan (CSP)?

If your child has a CSP, the local authority will usually get any information they need from the agencies listed on page 1 of this factsheet. The CSP will include the name of the person responsible for co-ordinating your child's support. This person should take the lead in ensuring that all relevant agencies plan together for your child leaving school. Your child's CSP should be reviewed at least once a year; the review should be used to help plan for your child leaving school. CSPs are no longer legally binding after a young person turns 18. For more information, see **Enquire Factsheet: Co-ordinated support plans**.

What is the local authority's duty to looked after children?

All looked after young people are assumed to have additional support needs, unless assessed otherwise. If the young person does have additional support needs, the local authority must assess whether they need a CSP. Under the law³ local authorities have specific responsibilities for looked after young people. By law, looked after young people have the right to stay in the same placement up to the age of 21. Local authorities have to provide advice, guidance and assistance to care leavers up to the age of 26 if this would be helpful to them.

Education and social work staff should work closely to ensure young people achieve their full potential while in education. Local authorities are encouraged to work closely with Skills Development Scotland to support young people in choosing education and training.

What if I'm not happy with the planning for my child leaving school?

If you think the local authority has not followed the correct procedures you, or your child if they are 16 years or older, have a right to appeal (called making a 'reference') to the Additional Support Needs Tribunals. (Note: appeals cannot be made for pupils over 18 years of age.) These procedures relate to gathering information about your child, involving you and your child in this process and sharing this information with relevant agencies. Enquire or the Tribunals can provide more information about this. Contact details are at the end of this factsheet. **Enquire factsheet: Resolving disagreements** has more information about the Tribunals.

The local authority's duties for social work

The law⁴ considers young people aged 16 or 17 with a disability to be 'in need'. Local authorities have a duty to provide services for these young people, such as social work assessment and support, or help from the local authority for their additional support needs.

³ Children (Leaving Care) Act 2000 and Support and Assistance Regulations 2003

⁴ The Children (Scotland) Act 1995

If a young adult aged 18 or over needs community care services, the local authority's social work department should assess their needs and provide services.

In all planning for young people leaving school:

- the relevant people from the social work and education departments should already be involved
- a plan should be in place for the transition between education and adult life.

Contact your local social work department for more information.

What about further and higher education?

Your local authority may provide adequate and efficient further education for young people over 16. This may be in schools or in other places, such as colleges. Under the **Equality Act 2010**, further and higher education institutions must not discriminate unlawfully against young people with a disability.

The Scottish Government document **Partnership Matters** outlines the responsibilities of local authorities, colleges, universities and Skills Development Scotland towards young people with additional support needs moving to college or university.

What support is available at college or university?

Many different forms of support are available at college. Every college should have a member of staff who advises students who need additional support. Contact individual colleges:

- for information about the support they offer
- to plan any support for your child before they start college.

What support is available for starting work?

Your child may decide they would prefer to start work after leaving school. Your child's school, Skills Development Scotland or local volunteer centres may be able to arrange placements or volunteering experience to help your child move into work.

A number of agencies may be able to offer you and your child specialist advice about training and employment opportunities:

- Some local authorities run their own training schemes to help prepare young people with additional support needs for the world of work.
- Jobcentre Plus provides a range of services, including The Work Programme and an Access to Work scheme to help anyone who is having difficulty finding a job because they have a disability.
- Skills Development Scotland provides information on careers and learning for adults and young people in Scotland.

- Adult day centres are run by social work departments and voluntary organisations. These centres offer short- and long-term support and training in independent living and work. A social worker would usually refer your child. Day-centre users are usually over 19. Contact your local social work department for further information.
- The Scottish Union of Supported Employment aims to work with and support employers to provide paid work for people who are disabled, disadvantaged or otherwise find it difficult to get jobs. They have local contact points throughout Scotland.

Contact details for all these organisations are at the end of this factsheet.

What funding is available?

As part of planning for your child to progress beyond school, the local authority should ensure that you and your child know who to speak to about financial support.

Young people over 16 may be eligible for welfare benefits such as Personal Independence Payment (PIP) or Employment and Support Allowance. They may also be entitled to Disabled Students' Allowance (DSA) and Additional Support Needs for Learning Allowance. For more information contact LEAD Scotland information service. Contact details are at the end of the factsheet.

The Student Awards Agency for Scotland (SAAS) can give you more information on this and other funding, including loans and paying course fees. See their website (details at the end of the factsheet)

or find out more from your child's school. Your child may also be able to get funding or other help from a relevant voluntary organisation.

Some young people assessed as needing social work services may also be entitled to Self-directed Support. One option is for them to receive cash payments, instead of services, so they have more control over their lives by deciding how they get their care and support. Payments can be made to disabled people aged 16 or over, or to people with parental responsibility for disabled children (up to 18 years). For more information see the Self-directed Support Scotland website. Contact details are at the end of the factsheet.

Where to get more information

Publications

Enquire Factsheet: Co-ordinated support plans (2018)

Enquire factsheet: Placing requests (2018)

Enquire factsheet: Resolving disagreements (2018)

Supporting children's learning code of practice (third edition) 2017, Scottish Government . Chapter 6 'Transitions' covers progressing beyond school.

www.gov.scot/Publications/2017/12/9598/7

Partnership Matters, Scottish Government (2009), includes guidance about young people with additional support needs moving to college or university.

www.gov.scot/Topics/Education/Universitiescolleges/17135/Partnershipmatters

Organisations

Skills Development Scotland

Skills Development Scotland provides information for adults and young people on career planning in Scotland.

www.skillsdevelopmentscotland.co.uk

Additional Support Needs Tribunals for Scotland

Helpline: 0141 302 5860

www.asntscotland.gov.uk

Citizens Advice Bureaux

Citizens Advice Bureaux provide free, confidential and independent advice on a range of issues, including benefits. You can get advice face to face in a bureau, by telephone or sometimes by email. To find your nearest bureau, see

www.cas.org.uk/bureaux

The Equality Advisory Support Service

The EASS can give information and guidance on discrimination and human rights.

Telephone: 0808 800 0082

Textphone: 0800 800 0084

www.equalityadvisoryservice.com

Jobcentre Plus

For more information about your local Jobcentre Plus

www.gov.uk/contact-jobcentre-plus

Scottish Union of Supported Employment

www.susescotland.co.uk

Self-directed Support Scotland

This Scottish Government website provides information about Self-directed Support for service users and health and social support professionals.

www.selfdirectedsupportscotland.org.uk

LEAD Scotland Information Service

This service aims to widen access to learning for disabled young people and adults and carers across Scotland. It provides information and advice to anyone with a disability/health condition, including those who support them, on issues relating to post-16 education, training and community learning.

Freephone helpline: 0800 999 2568

Email: enquiries@lead.org.uk

www.lead.org.uk

The Student Awards Agency for Scotland (SAAS)

Telephone: 0300 555 0505

www.saas.gov.uk

Disability Information Scotland

Helpline: 0300 323 9961

Email: info@disabilityscot.org.uk

www.disabilityscot.org.uk

Scottish Transitions Forum

Telephone: 0131 663 4444

www.scottishtransitions.org.uk

ENQUIRE

Helping you understand additional support for learning

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

www.reach.scot offers advice to young people struggling at school. With practical tips on what can help and young people sharing their views and experiences on all sorts of life issues, Reach offers the 'go-to' source of advice to help pupils make the most out of their education.

This factsheet has been awarded the Clear English Standard.



Contact details

Enquire, Children in Scotland, Level 1, Rosebery House,
9 Haymarket Terrace, Edinburgh EH12 5EZ

Helpline: **0345 123 2303**
(Access to interpreters through Language Line)

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Email: info@enquire.org.uk

www.enquire.org.uk

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Enquire is managed by Children in Scotland and funded by the Scottish Government