

Steps to avoid and resolve disagreements about additional support for learning



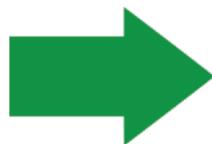
Step 1

Start with the school

If you have any concerns or worries about your child's additional support for learning, talk to the class, guidance, or learning support teacher in the first place. Schools usually have procedures for contacting or speaking to a particular member of staff. Your school office can tell you about this.

Contact a senior teacher (e.g. depute head or head teacher) if you still have concerns after talking to the class, guidance, or learning support teacher. It can be helpful to put your concerns in an email. If you are not satisfied by the way the school has dealt with your concerns, you can make a formal complaint in writing to the head teacher.

Most concerns can be resolved by speaking to the school.



Step 2

Local authority

If you have raised your complaint with the head teacher at your child's school and still have concerns, contact the additional support for learning or quality improvement officer in your local authority.
www.enquire.org.uk/local-authorities

If you feel matters have not been resolved by doing this, the council officer must tell you about other ways to resolve the disagreement, including your right to access independent mediation or how to make a formal complaint to the local authority. Information about the process for making a formal complaint should be on the council's website or you can call their main number and ask for this.



Step 3

Other options

Education Appeal Committee
Appointed by the council, for appeals against decisions to exclude a child or refusal of certain placing requests.

Independent adjudication

If you disagree with the local authority's decision about certain things (for example the kind of additional support needs your child has) you can use independent adjudication. See Enquire factsheet: Resolving disputes using independent adjudication
www.enquire.org.uk/publications

Additional Support Needs Tribunal (First-tier tribunal)

For appeals (or "references") about children who have or may require a co-ordinated support plan (CSP), failure to provide the support in a CSP, certain placing request refusals, failure to carry out planning duties for leaving school, some decisions about children's capacity to use their rights and cases related to disability discrimination of pupils.
www.healthandeducationchamber.scot

Scottish Public Services Ombudsman (SPSO)

If there is not a formal appeal process available, you may be able to raise your issue through a local complaints process and to SPSO once that has been completed. SPSO is independent of councils but there are limitations on what the Ombudsman can do, for example they can't look at complaints that have been dealt with in Court or change decisions that have been made following the proper process. You can obtain advice direct from the SPSO about what they may or may not be able to do or if you are having difficulties accessing the local complaints process.
www.spsso.org.uk



Step 4

Further appeals

The Upper Tribunal for Scotland

The Upper Tribunal can hear an appeal on a point of law against a decision made by the Additional Support Needs Tribunal.

The Sheriff Court

This Court can hear further appeals against decisions by the Education Appeal Committee about certain placing requests and exclusions.

Scottish Ministers

You can make a complaint to Scottish Ministers if you think the local authority has failed to carry out its duties under education law. This is called a section 70 complaint. Scottish Ministers will expect you to have tried all other options for resolving your disagreement before making a Section 70 complaint.

The Court of Session

A decision made by the Upper Tribunal may, in exceptional circumstances, be appealed on a point of law to the Court of Session in Edinburgh.

In cases where no other right of appeal is available, a decision made by a local authority or other public body, may be challenged through judicial review by the Court of Session.



Support and advocacy

You might find it helpful to take a supporter or advocate to meetings. A supporter can be a friend, relative, befriender or worker from a voluntary organisation.

For advocacy services in your area, contact Enquire or the Scottish Independent Advocacy Alliance: www.siaa.org.uk
Tel: 0131 556 6443

Let's Talk ASN is the national advocacy service for appeals to the ASN Tribunals about additional support for learning.
Email: letstalkasn@edlaw.org.uk Tel: 0141 445 1955

My Rights, My Say

Children aged 12-15 have the right to have a say and be involved in decisions about the support they receive in school. They can access help to talk to their school and sort out any disagreements. To find out more visit:
www.reach.scot/get-help/rights-support-school

Consider independent mediation

At any stage you can think about using independent mediation. Most disagreements about the education of children with additional support needs can be referred to an independent mediation service. For more information, see Enquire factsheet: Mediation www.enquire.org.uk/publications



This sheet is a summary. For more information, see Enquire factsheet: Resolving disagreements
www.enquire.org.uk/publications

You can contact Enquire for information and advice on any of the following steps, at any stage. Call us on **0345 123 2303**, email info@enquire.org.uk or visit www.enquire.org.uk

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Helping you understand additional support for learning