

Education and additional support after 16

This factsheet explains:

- opportunities and rights for pupils aged 16 and over who have additional support needs
- how your child's school and local authority can help them plan for staying on or leaving school
- who you can contact for further information about post-school options.

What opportunities are available to my child when they turn 16?

The Scottish Government has committed to offering each young person an appropriate place in post-16 learning to equip them with the skills and knowledge they need to progress into adult life. Some options that may be open to your child include:

- staying on at school
- going on to further education, for example to college or university
- attending training courses
- becoming an apprentice.

When can my child leave school?

If your child turns 16 between 1 March and 30 September, they can leave school after 31 May of that year. If they turn 16 between 1 October and the end of February, they can leave at the start of the Christmas holidays in that school year.

Does my child have the right to stay on at school after they turn 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 they are already in a school that is either:

- run by a local authority, or
- a grant-aided or independent special school, and their place is funded by a local authority.

Many young people choose to stay on at school after they turn 16. This is because they feel the school can continue to provide them with the education and skills they need for adult life.

Will my child continue to get support with their learning if they stay on at school?

If your child stays on at school after the age of 16, the local authority continues to have the same legal duties to support their learning as they had for the rest of their time in school. This continues up until they leave school, whatever age they leave at. Find out more in our factsheet on [Additional support for learning: key facts](#).

Will my involvement and my child's rights change after they turn 16?

Once your child turns 16, under education law they are no longer 'a child' – they are now a 'young person'. Young people are assumed to be able to do things on their own behalf and be fully involved in decisions about their education and support.

Young people have the same rights that their parents or carers had before they turned 16, for example to request an assessment of their support needs, or ask for a place at a school other than their local catchment school.

This does not mean that you will no longer be involved – in most cases parents and carers will continue to attend meetings about their child's education until they leave school.

If your child is unable to understand how to make requests or decisions for themselves, you can still do these things for them.

Can my child stay on at school after they turn 18?

Under the law, there is no upper age limit to school education or set number of years of education that a pupil is entitled to. This means that there can be some circumstances where a young person can stay on at school after 18.

There are two main situations when this can happen:

Young people who turn 18 earlier than their classmates, because they had a deferred start to primary school

Some children with additional support needs stay in nursery for an extra year, to help make sure they are ready for starting primary school. This can mean they are a year older than most of the other pupils in their year group. In this situation, a young person should not be denied the opportunity to stay at school until the end of sixth year because of their age.

Young people who are offered an extra year of high school

Local authorities have the power to offer an additional 'seventh' year of high school education, but they do not have any legal responsibility to do this. There may be some rare situations where it is agreed that an additional year would be in a young person's best interests.

If you think your child could benefit from an additional year at school after the age of 18, you should discuss this with the person responsible for additional support for learning in the local authority. You should be clear about the benefits to your child of staying on at school. The local authority is unlikely to agree to your request if it is just a way of delaying your child from leaving school.

What support should my child get to help them plan for leaving school?

When should transition planning start?

Planning for transition to adult life should start as early as possible. The school and local authority must gather information from relevant people and agencies to help your child plan for adult life. They must do this at least 12 months before your child is due to leave school.

What does transition planning involve?

Transition planning may include:

- Meetings between the school, you and your child to discuss the options open to them.
- Work experience or visits to colleges or universities.

- Multi-agency meetings involving the school and relevant professionals who can provide advice and support. These professionals may include:
 - an educational psychologist
 - a careers adviser
 - a social worker.

Who co-ordinates this?

If more than two agencies are involved in planning for your child's transition, the local authority will appoint a lead professional to co-ordinate planning. This is a person who knows your child and who can be a single point of contact for you, your child and the other professionals.

My child has a co-ordinated support plan

If your child has a co-ordinated support plan (CSP), the CSP co-ordinator (who will be named in the plan) should take the lead in ensuring that all relevant professionals plan together for your child leaving school.

Your child's CSP should be reviewed at least once a year. As your child nears the end of their school education, the reviews should help plan for them leaving school. When your child leaves school, their CSP will end.

Find out more in our factsheet on [Co-ordinated support plans](#).

How will my child and I be involved?

You and your child should be fully involved at every stage of transition planning. The school and local authority must take your child's views into account. They should provide support for your child if they need help to express their views.

If your child is unable to understand the situation or make an informed decision themselves, the school, local authority and other agencies must work with you to plan your child's transition to adult life.

What happens next?

No later than six months before your child is expected to leave school, the school or local authority must pass relevant information about your child's support needs to the agencies who will support them in their adult life.

The local authority or school can only share this information with either:

- your child's consent, or
- your consent, if your child is not able to make an informed decision.

What if I or my child are not happy with the transition planning?

If you or your child are concerned about what is planned for them after they leave school, then you can ask the school for a transition planning meeting to discuss your concerns and review the available options for your child.

For example, this can be helpful if:

- the school thinks that your child should leave school at 16, but your child wants to stay on, or
- you do not feel that there will be enough support for them after they leave school.

If you are unable to agree on the best way forward with the school, you may need to contact the local authority. Find out more in our factsheet on [Avoiding and solving problems](#).

If you and your child feel that the school or local authority has not followed the correct procedures, your child also has the right to appeal (called 'making a reference') to the Additional Support Needs Tribunal. They can only do this while they are still enrolled at school. If your child is unable to understand how to do this, you can make the reference on their behalf. Find out more in our factsheet on [The Additional Support Needs Tribunal](#).

I think the school is telling my child they must leave because they are disabled

The school and local authority must not discriminate against disabled young people by treating them less favourably than other pupils. They may be discriminating against a disabled young person if they do not allow them to stay on at school after 16 when non-disabled young people can do so. You can get advice on discrimination from the Equality Advisory and Support Service: **0808 800 0082**, www.equalityadvisoryservice.com.

Who can support my child once they leave school?

There are many different organisations that can help you and your child once they leave school. Here is a list of just a few of them:

Further and higher education

Colleges and universities usually have a member of staff or department who can advise about support for learning.

Linking Education and Disability (LEAD) Scotland www.lead.org.uk

Tel: 0800 999 2568

Email: info@lead.org.uk

LEAD Scotland provides advice and information to anyone with a disability or health condition about attending further education, training or community learning.

Support in the community

Contact your local social work team for advice or to request a social work assessment for your child.

Work

Skills Development Scotland www.skillsdevelopmentscotland.co.uk

Tel: 0800 917 8000

Skills Development Scotland provides information on careers and post-school learning and training in Scotland.

Benefits and self-directed support

Citizens Advice Scotland www.cas.org.uk

Citizens Advice Scotland provides free, confidential, and independent advice on a range of issues, including benefits. You can find your local Citizens Advice Bureau on their website.

Self-directed Support Scotland www.selfdirectedsupportscotland.org.uk

Self-directed Support Scotland provides information about self-directed support for people who use social care services.

Where can I find out more?

Contact's Talking About Tomorrow website www.talkingabouttomorrow.org.uk

Talking about Tomorrow has lots of information and advice for parents and carers of children with additional support needs who are coming up to school leaving age. This includes information about financial and legal matters, for example guardianship and benefits.



How Enquire can help

Enquire can help you understand your child's rights to additional support for learning and how to work in partnership with their school or nursery to make sure your child gets the support they need.

Enquire can:

- explain your child's rights to additional support for learning
- listen to any questions and concerns
- advise you on the way forward
- help you find local education and support services.

You can contact our helpline on **0345 123 2303** or **info@enquire.org.uk**
Access to interpreters is available.

You can also find lots more information about additional support for learning, including our full range of publications, at **www.enquire.org.uk**

The information on our website is available in over 100 languages and with a range of accessibility tools, such as text-to-speech.

Reach, as part of Enquire, provides advice and information for children, parents, carers and professionals about children's rights to additional support for learning: **www.reach.scot**

Enquire is also a partner in the My Rights, My Say service. My Rights, My Say supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school:
www.myrightsmysay.scot

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