

Additional support for learning: key facts

This factsheet explains:

- what 'additional support needs' and 'additional support for learning' are
- where and when your child can receive additional support for learning
- who is responsible for providing your child's support
- how you should be involved in decisions about your child's support
- how your child should be involved in decisions about their support.

What are additional support needs?

Some children and young people need extra help to get the most from their education and achieve their potential. Pupils who need extra or different help than other pupils their age, for any reason, are said to have 'additional support needs'.

Pupils might have additional support needs for many reasons. For example, a pupil might need support if:

- their learning environment is not suitable for them
- they are disabled or have a health condition
- family circumstances are affecting their ability to learn
- they are experiencing social or emotional problems.

Some pupils may need extra help for a short time. Others may need support the whole time they are at nursery and school. Their needs may also change over time, in small or big ways.

All looked after children are assumed to have additional support needs unless they are assessed as not needing extra help to learn. A child or young person is 'looked after' if a local authority has taken on some legal responsibility for their care and wellbeing.

What is additional support for learning?

‘Additional support for learning’ means the extra help that pupils with additional support needs get.

Additional support for learning can take many different forms. It can include things like:

- changes to the curriculum or the way a pupil is taught
- support from a learning assistant
- use of technology or changes to learning materials
- input from specialist teachers or health professionals.

A pupil does not need a diagnosis to be entitled to additional support for learning. If a pupil is struggling at school or nursery for any reason, their school or nursery should try and find out the reason for this and provide them with the support they need.

Additional support for learning is not just a good idea, it is the law. The Education (Additional Support for Learning) (Scotland) Act 2004, usually referred to as ‘the ASL Act’, gives pupils who need extra help at school or nursery the right to get the support they need.

The ASL Act does not say how much or what type of support each pupil should get. Their support must be based on their individual needs.

Where can my child receive additional support for learning?

If your child has additional support needs and attends:

- a school or nursery run by a local authority
- a nursery contracted by a local authority to provide your child’s free hours of early learning and childcare, or
- a grant-aided or independent special school or nursery, where a local authority has arranged your child’s placement,

the local authority must give them the support they need to do the best they can at school or nursery.

If you have arranged for your child to:

- attend an independent school or nursery, or
- be educated at home,

your local authority can choose to provide additional support for learning for your child, but it does not have to. Find out more in our factsheets on [Independent schools and additional support for learning](#) and [Home education and additional support for learning](#).

When can my child receive additional support for learning?

The right to additional support for learning starts once your child is eligible for their funded hours of early learning and childcare. This will usually be from the age of three, but may be from two years old if they are (or have been) looked after, in kinship care, appointed a guardian, or if you receive certain benefits. Children younger than three who need support because they are disabled can also receive additional support for their learning. Find out more in our factsheet on [Additional support for learning in the early years](#).

Once your child is at school, they can receive additional support for learning until they leave high school, whatever age they leave at. Pupils can be identified as having additional support needs at any stage of their education.

Who is responsible for supporting my child?

In most cases, your local authority will have legal responsibility for making sure your child has the support they need. There are some situations where another local authority will be responsible, for example if your child attends a school in a different area because of a placing request.

Most of the day-to-day responsibility for arranging and providing your child's support will be with your child's school or nursery. If your child needs more or different support than the school or nursery can provide, your local authority is responsible for making sure they get the help they need. The local authority can also ask other services, like health or social work, for help.

What do local authorities have to do?

Local authorities have many legal duties under the ASL Act. For example, they must:

- identify which children and young people in their area have additional support needs

- provide these children and young people with ‘adequate and efficient’ additional support to help them fully benefit from their education
- keep the support they are providing under review to make sure it is meeting a pupil’s needs
- identify which pupils need a co-ordinated support plan (CSP) and prepare CSPs for them
- listen to and take account of the views of pupils, parents and carers
- publish and keep up to date information about how they identify and meet pupil’s additional support needs
- have arrangements in place to resolve disagreements with parents about additional support for learning.

As well as their duties under the ASL Act, local authorities have other responsibilities related to pupils’ education and support. For example, they must:

- make sure that the education they provide helps all pupils to develop their personality, talents, and mental and physical abilities to their fullest potential¹
- advance equality of opportunity
- avoid discrimination against pupils because of:
 - disability
 - gender reassignment
 - pregnancy or maternity
 - race
 - religion or belief
 - sex
 - sexual orientation
- make ‘reasonable adjustments’ for disabled pupils to avoid disadvantage²
- plan to improve the accessibility of their schools³
- consider the wellbeing of children and young people⁴.

¹Standards in Scotland’s Schools etc. Act 2000

²Equality Act 2010

³Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002

⁴Children and Young People (Scotland) Act 2014

How should I be involved in my child's support?

You have a unique and expert knowledge of your child and you should be involved in decisions and discussions about their additional support.

You have the right to:

- share your views about your child's support needs
- have your views taken into account
- have a supporter or advocate present at meetings about your child's support.

The definition of a 'parent' in education law includes anyone who has parental responsibilities, guardianship or care of a child or young person. This means that if you are a kinship or foster carer, these rights apply to you too.

There are certain times when the local authority **must** seek and take account of your views and any information and advice you provide. These include when they are:

- assessing whether your child has additional support needs
- deciding or reviewing what additional support your child should receive
- deciding or reviewing whether your child needs a co-ordinated support plan (CSP)
- preparing a CSP for your child.

You also have the right to make certain requests to the local authority to help make sure your child is getting the support they need. These include asking them:

- to find out whether your child has additional support needs
- for a specific assessment of your child's support needs
- to find out whether your child needs a co-ordinated support plan (CSP)
- to place your child in a school other than your child's local catchment school.

You can also use various routes for resolving disagreements with the school, nursery or local authority about your child's support. You have the right to appeal certain decisions if you do not agree with them. Find out more in our factsheet on [Avoiding and solving problems](#).

Does my child have a say in what support they get?

All children and young people have the right to share their views with the school, nursery or local authority about decisions that significantly affect them. Their views must be given 'due regard', taking account of their age and maturity. This includes having a say in the additional support for learning that they receive.

The local authority **must** seek and take account of your child's views and any information and advice they provide when:

- assessing whether they have additional support needs
- deciding or reviewing what additional support they should receive
- deciding or reviewing whether they need a co-ordinated support plan (CSP)
- preparing a CSP for them.

This will usually happen in a fairly informal way through the staff who work closely with your child.

If your child has complex communication needs, or their first language is not English, their views must still be sought.

If your child is aged 12 to 15, they may also have some of the same rights as you to be involved in decisions about their support and to make certain requests from the local authority. Find out more in our factsheet on the [Rights of children aged 12-15](#).

Young people aged 16 and over are assumed to be able to act on their own behalf and be fully involved in decisions about their education and additional support for learning. This means young people have all the same rights their parents or carers had on their behalf before they turned 16. If your child is aged 16 or over and is not able to understand how to use their rights, you can speak and act for them.

Where can I find out more?

Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) (2017)
www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland

This is the Scottish Government's guidance on the ASL Act. It aims to help local authorities, schools and other professionals to understand their responsibilities.



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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