

Additional support for learning for looked after pupils

This factsheet explains:

- the rights of looked after children to additional support for learning
- the rights of parents and carers of looked after children
- information about times that can be particularly difficult, for example moving schools and exclusion from school.

In this factsheet, when we say 'your child' we mean both:

- your child, if you are the parent of a looked after child
- the child you look after, if you are a kinship or foster carer.

Is my child 'looked after'?

'Looked after' is a legal term which means that a local authority has taken on some legal responsibility for the care and wellbeing of a child or young person. This usually happens through the Children's Hearings system, or can be done through the courts, or as a voluntary arrangement between a family and their local authority.

Children and young people can be looked after at home, or away from home (for example with a foster carer, kinship carer, or in a residential care home).

Some children who are cared for by people other than their parents would not be considered 'looked after' under the law. For example, if a family member takes in a child or young person without local authority involvement, they are unlikely to be regarded as a 'looked after child'.

The term 'care experienced' is often used to talk about anyone who has been, or is currently in care. Not all care experienced children and young people are currently 'looked after', for example if they have been adopted.

Can I have a say in decisions about my child's education?

The law on providing support in nurseries and schools¹ gives a range of rights to parents to help them make sure their child gets the help they need. The definition of 'parent' in education law is wider than birth parents and people with parental rights and responsibilities. It includes anyone who cares for the child, such as kinship or foster carers.

Parents and carers have the right to be involved in decisions about their child's additional support. As a parent or carer, your views about your child's support needs must be taken into account. You also have the right to make certain requests to the local authority. For example, you can request assessments of your child's needs.

Find out more about your rights in our other factsheets and in [Additional support for learning: A guide for parents and carers](#).

A child or young person may have several people involved in decisions about their education – for example, their birth parents and current foster carers. If there is any disagreement about the support a child needs, the local authority should listen to all views but make decisions based on the best interests of the child.

What are my child's rights?

If your child needs more or different help at school or nursery to what is normally provided to pupils of the same age, they have 'additional support needs'. This gives them a right to receive additional support for learning, based on their individual needs, that helps them to get the most from their education.

Pupils can have additional support needs for many different reasons. Some may need support for a short time and others may need support throughout their time in education.

If your child is 'looked after', they are presumed to have additional support needs, unless they are assessed as not needing extra help to learn. This is because there is evidence that looked after children and young people can experience significant difficulties which can affect their education. They can benefit from tailored support to help them develop to the best of their abilities.

If your child is care experienced they have a right to receive support if they need it – regardless of whether they are currently legally 'looked after'. Pupils have additional support needs if they need extra help to learn for any reason.

¹Education (Additional Support for Learning) (Scotland) Act 2004, as amended

For any pupil with additional support needs the local authority must:

- identify their support needs
- provide 'adequate and efficient' additional support for learning
- keep this support under review.

Because every pupil is different, the law does not say how much or what type of support each pupil should get. The support your child receives should be based on their individual needs and circumstances, and help them do the best they can in all areas of their education.

Support can include things like:

- time with learning support staff
- assistance from a counsellor or therapist
- strategies like time out from class
- more time to complete schoolwork and exams
- nurture group support
- access to a support base or unit at school
- equipment, for example a laptop
- 'buddy' support from an older pupil
- meetings to discuss learning plans and transition between schools.

Find out more about support for learning in our factsheet [Additional support for learning: key facts](#).

Early learning and childcare for looked after children

All three- and four-year-olds in Scotland are entitled to 600 hours per year of free early learning and childcare. This will go up to 1140 hours per year in August 2020. This starts earlier at age two for children who have, at any time since their second birthday:

- been 'looked after'
- been subject to a kinship care order, or
- had a guardian appointed.

Children aged two whose parent or carer receives certain benefits are also entitled to 600 hours per year of early learning and childcare.

Once a child is entitled to start receiving their free hours of early learning and childcare, they have a right to additional support for learning. Find out more in our factsheet [Additional support for learning in the early years](#).

Who is responsible for my child's education?

Your child's **home** local authority (the local authority who 'looks after' your child) has responsibility for their education. The home authority remains responsible for your child even if they live and go to school or nursery in a different local authority. The home local authority is also responsible for your child's education if they place your child in a school or nursery in a different local authority. This may happen if that school or nursery is able to provide the support they need.

All schools should have a dedicated member of staff responsible for looked after pupils who attend the school. This may be the head teacher or deputy head, or another member of senior school staff. They have a responsibility to co-ordinate information about looked after pupils and their needs and to make sure this information is shared with the right people in the school. They should also make sure the additional support needs of looked after pupils are identified and that plans are in place to meet their needs.

Planning your child's support

Looked after child's plan

All looked after children and young people must have a plan prepared for them that sets out who will support their care, health and education needs, as well as contact arrangements with their birth parents.

Learning support plan

At school or nursery, your child may have a learning support plan, or a plan that focuses on addressing their wellbeing needs (or both). Different local authorities use different names for these types of plans. You can ask your child's school or nursery whether they have one in place.

Co-ordinated support plan

Local authorities must assess all looked after children and young people who have additional support needs to find out if they should have a co-ordinated support plan (CSP). CSPs are for pupils with complex or multiple support needs who require significant support from education and at least one other agency (such as social work or health). The CSP aims to help all professionals from different agencies to work together to make sure the pupil has the support they need with their learning. CSPs are legal documents and local authorities must open a CSP for all pupils who meet the criteria for one.

You can ask your child's school or nursery if they have a CSP, and ask the local authority to assess your child for one if they do not have a CSP but you feel they should.

Find out more in our factsheets [Planning your child's support](#) and [Co-ordinated support plans](#).

Your child's rights to be involved in decisions about their education

Local authorities must take children and young people's views into account when they are making decisions about their education that will significantly affect them. This includes having a say in the additional support for learning that they receive.

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 12-15, 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 to be fully involved in decisions about their education and additional support for learning. This means that young people have all the rights that their parents or carers had 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.

Advocacy

As well as speaking for themselves and having you to support them, your child can also use advocacy services to help them speak to their school and local authority about the support they need. This can be particularly helpful if there is a disagreement about the support your child needs between those involved in decisions about their care and education.

Find out more about advocacy services in the **'Where can I find out more?'** section at the end of this factsheet.

Moving schools

Some looked after children and young people may change schools more often than other pupils. Schools and local authorities should plan carefully for school changes and pass information about the pupil on to the new school in good time whenever possible. This can help make sure that they will have the support they need with their learning and help them manage the transition more easily.

Find out more in our factsheet on [School placements](#).

Attendance and exclusion

Some looked after pupils may have periods of absence from school because of their home circumstances. Statistics show that looked after pupils are also excluded from school more often than other pupils. Your child's school should work closely with you and the other professionals supporting your child (for example social work) to make sure they have the support they need to attend school and minimise the impact of any absences. Find out more in our factsheets on [School attendance](#) and [Exclusion from school](#).

Where can I find out more?

Who Cares? Scotland www.whocaresscotland.org

Tel: 0141 226 4441

Email: hello@whocaresscotland.org

Who Cares? Scotland work with care experienced children and young people across Scotland. They provide advocacy to looked after children in many areas of Scotland.

My Rights, My Say www.myrightsmysay.scot

My Rights, My Say supports children in Scotland aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school. It's independent, confidential, easy to use, and supports children to speak up about what they need to learn.

My Rights, My Say is a partnership between Enquire, Partners in Advocacy, Children in Scotland and Cairn Legal. Each partner offers different services:

- **Enquire** provides information and advice about children's rights
- **Partners in Advocacy** provides direct advocacy support to children aged 12-15 to help them have a say in decisions about their support
- **Children in Scotland** provides independent support to make sure children's views are heard in formal processes (such as tribunal cases and assessments)
- **Cairn Legal** provides legal representation to support a child making a reference to the Additional Support Needs Tribunal.

For any questions about the service or to make a referral, visit the My Rights, My Say website or contact the Enquire helpline.



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 is our website for children and young people. Reach helps pupils to understand their rights to feel supported, included, listened to and involved in decisions at school: **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

Enquire factsheet: Additional support for learning for looked after pupils

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