

+ Additional Support for learning in East Lothian

**Resolving
disputes about
additional
support
needs**

**Information
for children,
young people
and their
parents**

This leaflet tells you about the ways in which you can sort out disagreements about education if you have additional support needs. It is for children, young people and their parents.

Education Service complaints procedure

We have a complaints policy and procedure that covers all aspects of education. If you would like to know more about it, please see our leaflet called Resolving complaints. You can get this leaflet from schools and from:

Inclusion and Equality

Education and Children's Services

East Lothian Council, John Muir House, Haddington EH41 3DY

Phone: 01620 827 827 · e-mail: educationenquiries@eastlothian.gov.uk

If you have concerns about education

If you are worried about your child's education, get in touch with your school or education centre as soon as you can. We can sort out nearly all complaints and concerns at this stage. But, if we can't sort things out, our leaflet Resolving complaints tells you what you can do next.

Other ways of sorting out disagreements

The *Additional Support for Learning Act 2004 and 2009* gives children and young people with additional support needs and their parents some new ways to sort out disagreements in cases where there is no formal appeal, for example:

- independent mediation
- dispute resolution
- an Additional Support Needs Tribunal

Independent mediation

Independent mediation is a process where an independent person (a trained mediator) helps the people involved in a dispute to come to an agreement. It allows everyone involved to have their point of view fully heard. The mediator will not discuss what happens at meetings with anyone else and will not offer advice or offer recommendations. This process is voluntary and it is free. **Common Ground** provides this service in East Lothian. Please see Common Ground leaflet for more information.



Dispute resolution (also called independent adjudication)

If other procedures for resolving disagreements have failed, you can ask for independent adjudication. This is a formal review of all the circumstances surrounding your dispute by someone who has expertise in dealing with children who have additional support needs. This person, called an Independent Adjudicator, is appointed by the Scottish Government, and they are not connected in any way with East Lothian Council.

You will have to prepare a case and we will have to prepare one too. The adjudicator will look at all the information about the case and will then write a report with recommendations for you and for us. It is hoped that everyone involved will accept the recommendations, but they are not legally binding.

If you would like to know more about dispute resolution, would like help to prepare a case or would like to make a referral, please contact Inclusion and Equality.

If you use dispute resolution but your problem is unresolved, you might still be able to use mediation of the Additions Support Needs Tribunal.



Additional Support Needs Tribunal

An Additional Support Needs Tribunal is an independent and expert body that hears and decides appeals (called references) made by parents and young people. It deals with disputes about:

- **decisions the council has made about Co-ordinated Support Plans (and failure to keep to the required timescale)**
- **failure by the council to provide the additional support set out in the Co-ordinated Support Plan**
- **failure of the council to carry out their planning duties before a young person leaves school**
- **placement requests to a special school outside East Lothian**
- **disability discrimination experienced by pupils with additional support needs.**



You have to contact the Tribunal to hear your case and then send them all the information that you have. If the Tribunal thinks that you have a case that should be investigated, it will contact everyone involved and arrange a hearing where everyone will have to explain their case. You have the right to take along a supporter or advocate to help you.

There is a free advocacy service to support parents and young people who make a reference to the Tribunal. It is a national service and the Scottish Government have appointed **Barnardo's** and the **Scottish Child Law Centre** to provide it. The service is called **Take Note**. It will provide, in most cases, non-legal representation but in very complex cases legal representation (free of charge) will be provided.

You can find out more at www.asntscotland.gov.uk

Tribunal hearings will usually take place as close as possible to where you live. At the hearing, a panel of three specially trained people will consider all the information and make a decision about what should happen. The Tribunal will consider all the information and make a decision about what should happen. The Tribunal has the power to ensure that the council carries out what is decided. If you would like to find out more about Tribunals, you should contact:

**The Tribunal Secretary, Additional Support Needs Tribunal for Scotland,
5th Floor, Highlander House, 58 Waterloo Street, Glasgow G2 7DA**


You can ask someone to support or represent you at any meeting about additional support needs. This includes mediation and the Tribunal.

Enquire

Enquire is the Scottish Advice Service for **Additional Support for Learning**. They have written a guides for parents on all aspects of resolving disputes about additional support needs. If you want more information about this, please contact:

T: 0845 123 23 03
www.enquire.org.uk

Versions of this leaflet are available on request on audiotape, in Braille or in your own language. For more information, phone 01620 827199.



The Department of Education and Children's Services believes in equality of opportunity and promotes anti-discriminatory policies, procedures and practices.