

Members' Library Service Request Form

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Document Title	Update to Additional Support for Learning Policy

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Additional information:

Authorised By	Nicola McDowell
Designation	Head of Eduaction
Date	13/08/25

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COMMITTEE:	Members' Library Service
MEETING DATE:	Report Dated 11 July 2025
BY:	Head of Education
REPORT TITLE:	Update to Additional Support for Learning Policy
REPORT STATUS:	Public

1 PURPOSE OF REPORT

- 1.1 To seek approval from the Member's Library for the updated policy: *Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People, November 2018.*

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Note the changes to the policy and rationale for this.
- 2.2 Approve the updated policy, if acceptable, by 5 September 2025 to allow training to be provided to education staff.

3 BACKGROUND

- 3.1 In light of the United Nations Convention on the Rights of the Child (UNCRC) becoming part of Scots law through the UNCRC (Incorporation) (Scotland) Act 2024, this policy been reviewed and updated to ensure compliance with the new legal framework. This reflects our commitment to upholding children's rights.
- 3.2 The policy update demonstrates alignment to specific UNCRC articles and increased emphasis on the importance of meaningful collaboration with children and young people.

- 3.3 Updates reflect best practice across the local authority and reinforce our commitment to promoting, protecting, and fulfilling children's rights in all aspects of service delivery. By embedding a rights-based approach, the update underpins a consistent, child-centred policy that upholds the dignity and wellbeing of every child.
- 3.4 The updates align with national guidance and policy.

4 POLICY IMPLICATIONS

- 4.1 The name of the policy will remain unchanged.
- 4.2 The updated policy further clarifies the rights of children aged 12-15 years of age, who have capacity, to access additional support for learning provisions.
- 4.3 The updated policy aligns to updated Getting it Right for Every Child (GIRFEC) documentation including the refreshed Child Planning Framework.
- 4.4 Underpinning the refresh is cognisance of key national priorities and reviews such as 'Support for Learning: All our Children and All Their Potential' and 'The Promise'.
- 4.5 Increased signposting to East Lothian Council supports and guidance for children, young people, their families and professionals is also evident in the updated policy.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant

X

impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council’s role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:



Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council’s website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

7.1 None

8 BACKGROUND PAPERS

8.1 *Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People. 2018*

8.2 *Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People. 2025*

9 AUTHOR AND APPROVAL DETAILS

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Date	11 July 2025

Head of Service Approval

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Designation	Head of Education
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Yes
Approval Date	11 July 2025

Included, Engaged & Involved

Identifying, Assessing and Providing for Additional Support Needs of Children and Young People

POLICY: August 2025

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Introduction

Across East Lothian we are ambitious for our children and young people and working together, we will support them to be confident, resilient and to achieve within their schools and wider communities. Working in partnership with Children's Services, we aim to ensure everything we do starts with the child and family and builds the right support and services around them.

Working together, we:

- share common values, approaches, behaviour and a strong commitment to do the very best for East Lothian's children and young people;*
- are ambitious for our children and young people;*
- promote and prioritise early intervention and prevention;*
- take a relationship-based approach with each other, our children, young people and their families promote creativity and innovation and*
- want East Lothian to be an inclusive place to live and learn.*

Education Progress and Improvement Plan

East Lothian Council believes that “inclusion is the cornerstone that will help schools to achieve equity and excellence in education for all our children and young people.”¹ An inclusive approach, with an appreciation of diversity and an ambition for all to achieve their full potential is essential to getting it right for every child and raising attainment for all. Our approach to effective inclusion is informed by legislation, policy and good practice.

The purpose of this document is to outline the ways in which East Lothian Council will meet the needs of children and young people who experience barriers to learning as a result of additional support needs, disability or factors impacting on their wellbeing.

Sections Overview

- Section 1:** [Legislation, Policy and East Lothian's Approach](#)
Section 2: [Identifying and Assessing Additional Support Needs](#)
Section 3: [Planning and Providing for Additional Support Needs](#)
Section 4: [Resolving Disagreements](#)
Section 5: [Professional Learning](#)
Section 6: [Appendices](#)

¹ Consultation on Excellence and Equity for All: Guidance on the Presumption of Mainstreaming. November 2017, Scottish Government.

1.1 Use of terminology

1.1.1 Parent/carer

Throughout this policy the term parent(s) will be used to apply to anyone with parental rights and responsibility, those providing a foster or residential placement, or the local authority where full parental responsibility rests with them as corporate parents. In the case of care experienced children and young people and those in kinship care, this is also taken to mean 'carer'.

1.1.2 Child

Statutory guidance which supports the Children and Young People (Scotland) Act 2014, includes all children and young people up to the age of 18

Eligible child: a child in school education who has attained the age of 12 but not 16 and who has been assessed as having capacity (sufficient maturity and understanding) to exercise their rights under the Act, and that the education authority (or Tribunal) considers the wellbeing of the child would not be adversely affected by the child exercising their rights.² [See chapter 10](#)

1.1.3 Young Person

A person who is aged 16 years or over, who is a pupil at a school, and has, since attaining the age of 16 years or over, remained a pupil at that or another school

1.1.4 Consent and information/data sharing

When referring to consent or data sharing within this document, the following should be considered.

Any disclosure of information must be in accordance with the law on data protection, human rights, confidentiality and other relevant law.

Children have specific rights to own their own data from age 12. There may be however specific circumstances such as ensuring the safety of a child or young person/Child Protection responsibility overbalances an instruction made by the child. The specific situation must be considered carefully to ensure that any decision taken does not act incompatibly with the child or young person's rights.

In the event of a request for information, check:

- Who is asking for information?
- What information are they asking for?
- Do they have the basic right to that information?
- Is that right currently modified by a court or Children's Hearing system?
- What is the data subject's (the pupil's) view (essential in over 12s, very important in those younger)?
- Are there any other rights holders who will be impacted by this request?
- Are there any safety concerns?

² Additional support for learning: guidance on assessing capacity and considering wellbeing

1

Section 1: Legislation, Policy and East Lothian's Approach

1.2 Legislation and Policy

The legislative and policy landscape includes, but is not limited to, the following:

1.2.1 International Conventions and Goals

- The *United Nations Convention on the Rights of the Child (UNCRC)* was incorporated into Scots Law, effective from July 16, 2024. The rights within the Convention apply to everyone under 18 in Scotland. The UNCRC covers all aspects of children's lives, including civil, political, economic, and cultural rights.

1.2.2 Legislation

- The *Equality Act (2010)* simplified and strengthened previous protections for children and young people with 'protected characteristics' (e.g. age, race, disability and sexual orientation) from discrimination. This strengthened inclusion in education, including school trips and activities, for all children and young people regardless of their additional support needs or disability.
- The *Education (Disability Strategies and Educational Records) (Scotland) Act 2002* requires schools to make reasonable adjustments for the needs of disabled children and ensure they must not discriminate against disabled children. The Education Authority must prepare and implement an accessibility strategy to increase the access of its disabled pupils to the curriculum, extra-curricular activities, to school buildings and to information.
- The *Children (Scotland) Act 1995* represented a fundamental shift in emphasis from parents having rights over children to the principle that parents have responsibilities towards their children. The Act also made it essential that local authorities, NHS Health Boards and all professionals and agencies work in collaboration to provide integrated services for children and families.

1.2.2.1 School Education

- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendment in 2009) outlines the concept of additional support needs and the functions and duties that are placed on education authorities to identify and support those needs.

- *Early Learning and Childcare Statutory Guidance (July 2021)* issued under section 34 of the Standards in Scotland's Schools Act 2000 (the 2000 Act) which empowers Scottish Ministers to issue guidance to education authorities on the exercise of their functions in relation to the delivery of early learning and childcare.
- Under the *Education (Scotland) Act 1980* education authorities must provide adequate and efficient school education for children of school age within their area. The *Standards in Scotland's Schools etc. (Scotland) Act 2000* requires education authorities to provide education for all children in mainstream schools, except under certain circumstances. In addition, it placed a new duty: to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential and to involve them in decisions, which will affect them significantly.
- *The Education (Scotland) Act 2016*. The Act extends certain rights to certain children (referred to as "eligible children" in this Code), in relation to any support needs they may have in order to make the most of their learning while at school. The 2016 Act also amends section 70 of the Education (Scotland) Act 1980 to ensure that there is a clear process for parents to make complaints to the Scottish Ministers. Parents, under the 1980 Act, must ensure that their children of school age receive adequate education.
- *The Scottish Schools (Parental Involvement) Act 2006* places duties on Scottish Ministers, local authorities and head teachers in relation to the provision of information to, and the involvement of, parents in their child's education

1.2.2.2 Other Legislation

- "The *Children and Young People Act (2014)* is a key part of the Scottish Government's strategy for making Scotland the best place in the world for children to grow up. It made several changes to the law covering lots of different areas. These include changes to early learning and childcare, free school meals for children in P1-3, and extra support for looked after children and care leavers. It also puts responsibilities on Scottish Ministers and public bodies to consider how they can promote children's rights."³
- The *Carers (Scotland) Act 2016* (implemented in April 2018) states that each Local Authority has a duty to prepare an overarching young carer statement plus prepare for each young carer an individual statement which identifies personal outcomes, identified needs and any support to be provided to meet those needs.
- *Health and Social Care Standards (2017)* The Standards direct attention to the child's experience.

³ <https://enquire.org.uk/links/children-young-people-scotland-act-2014/>

1.2.3 Policy and Practice Guidelines

- *Supporting Children’s Learning: Code of Practice (third edition) 2017* explains the duties placed on Education Authorities and other agencies to support children and young people’s learning. It provides guidance on the ASL Act’s provisions as well as on the supporting framework of secondary legislation.
- *Curriculum for Excellence* aims to provide a coherent, flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises of the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- *Realising the Ambition: Being Me–National practice guidance for early years in Scotland (February 2020)* This guidance increases expectations of high quality but still provides the necessary support for all who work within the sector and beyond.
- The *National Improvement Framework* for Scottish Education sets out the Scottish Government’s vision and priorities for our children’s progress in learning. The Framework, part of the Education (Scotland) Act 2016, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.⁴

⁴ References to Legislation, Policy and Practice Guidelines adapted from ‘Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017’

Education authorities need to:

- Make provision that is directed toward the development of the personality, talents and mental and physical abilities of the child to their fullest potential;⁵
- Have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities, prevent discrimination against pupils with disabilities and make reasonable adjustments for individual children to ensure equality of opportunity in learning. The technical guidance for Schools in Scotland provides guidance on the requirements under the Equality Act 2010;^{6 7}
- Plan for accessibility of the curriculum, school information and physical access;⁸
- Identify and provide the support required to enable individual children and young people to overcome barriers to their learning, including looked after children and young people⁹
- Consider the wellbeing of children and young people.”¹⁰¹¹

⁵ Standards in Scotland's Schools etc. Act 2000

⁶ Equality Act 2010

⁷ Technical guidance for Schools in Scotland

⁸ Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

⁹ Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)

¹⁰ Children and Young People (Scotland) Act 2014

¹¹ Guidance on the presumption to provide education in a mainstream setting, March 2019, Scottish Government

1.3 Legal Definition: Additional Support Need

“1.-(1) A child or young person has additional support needs for the purposes of this Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.

(1A) Without prejudice to the generality of subsection (1), a child or young person has additional support needs if the child or young person is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)).

(1B) But where, in the course of identifying (in accordance with the arrangements made by them under section 6(1)(b)) the particular additional support needs of a child or young person who is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)), an education authority form the view that the child or young person is, or is likely to be, able without the provision of additional support to benefit from school education provided to or to be provided for the child or young person, subsection (1A) ceases to apply”¹²

A child or young person may have Additional Support Needs at any time during their school life. Additional Support Needs can be both short term and enduring.

Assessing wellbeing needs is a statutory responsibility. East Lothian Council is responsible for making arrangements to identify Additional Support Needs and this happens by working in close collaboration with the child or young person, parents/carers and when appropriate, other services and agencies.

It is not possible to list all the circumstances where this may be the case because every learner is different and one thing that affects one child or young person’s learning could have little or no effect on the learning of another.

The following are examples of circumstances that may give rise to Additional Support Needs:

- learning environment - access to an appropriate curriculum (including for those exceeding expectations), communication support needs, English as an additional language;
- family circumstances – family breakdown, young mother, young carer, looked after*, housing issues, poverty, children and young people from armed forces and veteran families;
- disability or health need – Neuro Diversity, mental health concern, temporary or longer-term physical condition;

¹² Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

- social or emotional needs – bereavement or loss, misuse of drugs or alcohol by the young person and/or parents/carers, children and young people at risk of exclusion.

***All children and young people who are Looked After by the Local Authority are considered to have additional support needs, unless assessment concludes that they do not.**

1.4 Children And Young People's Views

“The 2000 Act places a duty upon education authorities, where they are responsible for the school education of a child or young person, to secure that the education is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.”¹³

This has subsequently been built on to include the duty to “seek and take account of the views of Children and Young People” when there is an assessment of need and when making decisions about what supports may be required. (See also guidance for CSPs)

1.5 Rights Of Children Aged 12-15 Years Who Have Capacity

Children who are 12 have had their rights extended within additional support for learning (eligible child.) This is conditional on the child having capacity which is defined broadly as “**sufficient maturity and understanding**”. *This is different from adults and young people who are presumed to have capacity unless assessed as lacking capacity.*

East Lothian Council staff including teachers are well placed to decide on a child's capacity (to make a decision and to express themselves) as they work with and know the child well. They will, as a result of their skills, experience and understanding of the needs of the child, be able to consider and provide evidence as to whether a child has capacity in relation to the specific rights that the child is proposing to use.

If a child or young person wishes to exercise one of the rights as outlined in section 10 of this guidance, then they should make a request to East Lothian Council in writing or another permanent form. e.g. email, audio recording etc.

Enquire: [Rights of children aged 12-15](#)

¹³ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

1.5.1 Assessment Of Capacity And Consideration Of Wellbeing

Prior to assessing capacity and wellbeing the parents of the child must be notified

When carrying out an assessment of a child's maturity and understanding East Lothian Council will consider:

- **"The child's age and stage;**
- **Sufficient maturity;**
- **Sufficient understanding and**
- **Professional judgement from an adult who knows the child well.**

The Supporting Children's Learning Code of Practice (Third Edition) 2017 sets the questions to be decided upon in respect of capacity in each of the areas where new rights are enacted. The assessment of capacity is in the context of the right a child is exercising.

[See Appendix 4: Safeguards: Guide to Assessing Capacity and Wellbeing](#)

2 The Rights of Children over 12 Years

"Children who have attained 12 years of age are now empowered by the extension of their rights in respect of additional support for learning in school education. Children now broadly have similar rights to parents and young people for their additional support needs. The extension to children's rights is accompanied by safeguards in the form of assessments of capacity and consideration of impact on a child's wellbeing."¹⁴

Under the Act, as amended, children who are 12 years of age with capacity now have rights to:

- Request East Lothian Council to establish whether they have additional support needs.

¹⁴ Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) Extending Children's Rights – Guidance on the assessment of capacity and consideration of wellbeing. Introduction Section 1

- Receive advice and information about their additional support needs.
- Request, **at any time**, a specific type of assessment and/or examination for the purpose of considering their additional support needs as well as when East Lothian Council propose to establish whether the child has additional support needs or either requires a review of a Coordinated Support Plan (CSP) or one to be put in place.
- Agree that information which is relevant, proportionate and necessary can be shared about them with other agencies to support transition planning
- Have their views sought and taken into account as part of the process of mediation.
- Make use of dispute resolution arrangements for matters about additional support needs that are specified in regulations.
- Be informed of the outcome of requests under the Act, reasons why a request is refused and any applicable rights to have a decision reviewed, for example, through mediation or dispute resolution, or referred to a Tribunal.
- Request East Lothian Council to establish the need for a CSP or to review an existing plan, receive a copy of the plan and, in any amended plan, be asked for their views and have them taken into account and noted in the CSP.
- Refer to the Tribunal specified matters relating to CSP, appeals against the refusal of placing requests and failures by East Lothian Council in relation to the duties regarding school to post-school transitions.
- Have a supporter or access to an advocate to support at any meeting with the school or East Lothian Council, 'in connection with the exercise of our duties and functions under the Act and at Tribunal hearings.'¹⁵
- Have access to a free legal service in Tribunal proceedings.

Rights that parents and young people have within the Act that are not extended to children include:

- to make a placing request¹⁶

¹⁵ Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) Extending Children's Rights – Guidance on the assessment of capacity and consideration of wellbeing. Chapter2 Children's Rights section 10 Bullet 11

¹⁶ Adapted from: Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) Extending Children's Rights – Guidance on the assessment of capacity and consideration of wellbeing. Chapter2 Children's Rights section 10.

The extension of these rights to children over 12 years of age is subject to safeguards. The safeguards take the form of an [assessment of capacity and a consideration of adverse impact on wellbeing of an individual child](#).

These assessments require an evidence-based decision to be made in relation to both aspects. East Lothian Council must be satisfied that the child has the capacity to carry out such actions under the additional support for learning legislation and that assessment will be used to decide on a child's capacity as well as whether exercising such rights will have an adverse impact of their wellbeing. Parents and children should be involved and informed about the assessments carried out.

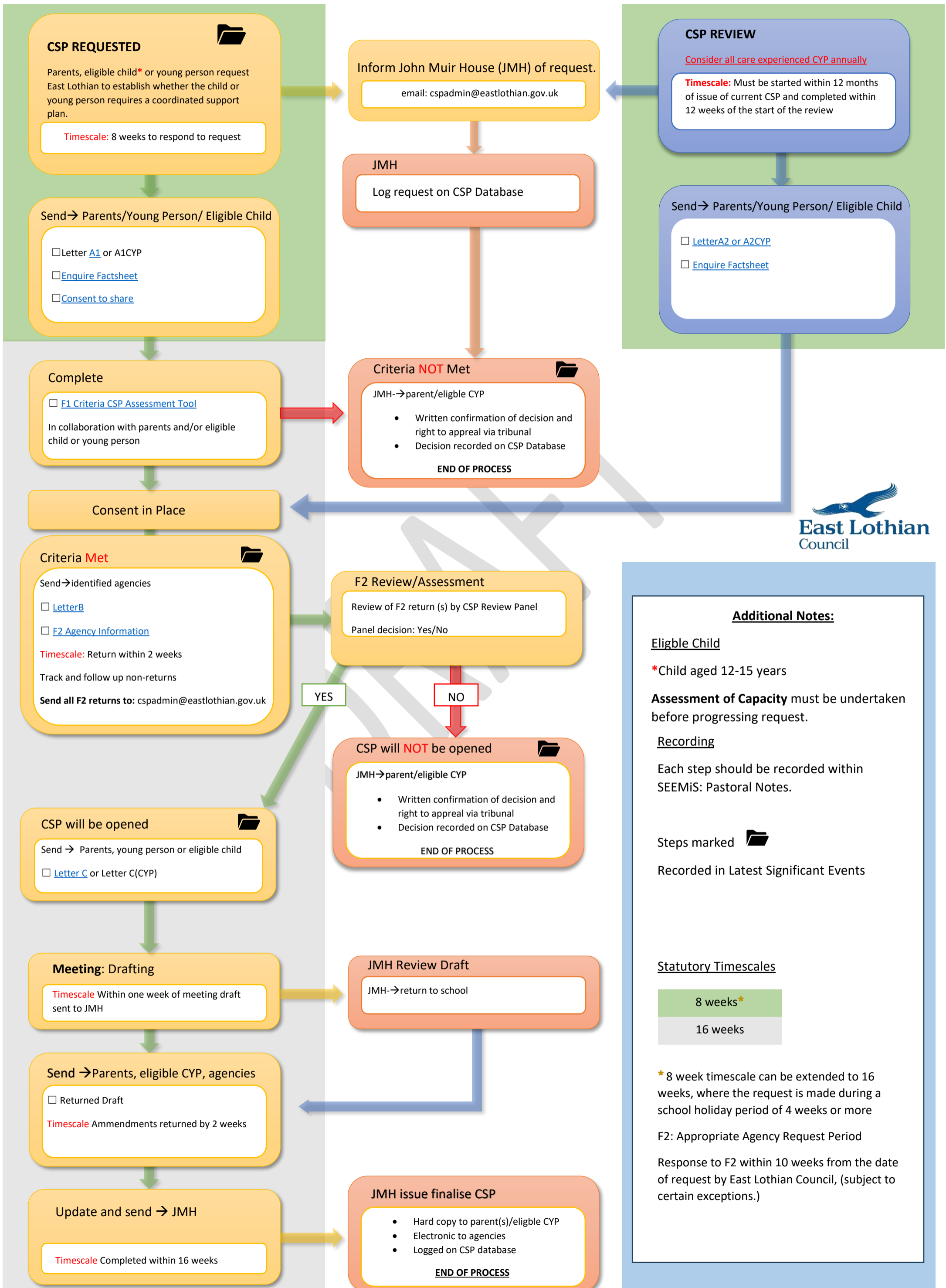
3 Co-ordinated Support Plan

A Co-ordinated Support Plan (CSP) is a statutory plan to help identification and ensure provision of services for children or young people, whose additional support needs

- arise from complex, or multiple factors
- which have a significant adverse effect on their school education and
- are likely to last at least a year, and which require support to be provided by an education authority and at least one other non-education service or agency.

Children and young people who are looked after should automatically be considered for a CSP

3.1 Coordinated Support Plan (CSP) Procedure



3.2 Details and Overview of CSP

For full details of criteria and comprehensive overview of CSP see Chapter Five, pages 67-94 of [Supporting Children's Learning: Statutory Guidance on the Education \(Additional Support for Learning\) Scotland Act 2004 \(as amended\) Code of Practice \(Third Edition\) 2017](#)

Topics and definitions covered:

- Applying the criteria for a co-ordinated support plan
- Additional support needs arising from complex and/or multiple factors
- Additional support needs likely to continue for more than a year
- Significant additional support
- Seeking and taking account of views and providing information
- Requesting an assessment
- Preparing a co-ordinated support plan
- Time limit exceptions
- What does a co-ordinated support plan contain?
- The factors giving rise to additional support needs
- Educational objectives
- The additional support required by the child or young person
- The persons by whom the support is provided
- The nominated school
- The details of the person providing advice in the education authority
- The contact details of the co-ordinator
- Role of co-ordinator
- Who can be a co-ordinator?
- Review of the co-ordinated support plan
- Custody, Transfer, Disclosure, Discontinuance, Preservation and Destruction of the co-ordinated support plan
- Custody of the co-ordinated support plan
- Custody of the co-ordinated support plan
- Disclosure of the co-ordinated support plan
- Getting it right for every child and the co-ordinated support plan The Getting it right for every child approach
- Links with the co-ordinated support plan

A suite of resources is also available on East Lothian's GIRFEC site.

[CSP Supporting Documents](#)

4 Working With Children, Young People And Parents

East Lothian Council is determined to create a safe, positive and inclusive environment where respect is shown to and is given by all its children, young people, staff and parents/carers.

4.1 A Rights Based Approach

As Duty Bearers, all adults have a responsibility to ensure that The UNCRC informs every aspect of East Lothian's approach.

All rights apply without discrimination of any kind.

Four articles in the Convention known as the "General Principles" and they help to interpret all the other articles.



These underpin all the other articles and can play a fundamental role in realising the rights in the UNCRC for all children. In all cases, we must make reasonable efforts to help a child express their views. This includes specific arrangements for some children and young people.

Other key articles to consider within the process of identifying, assessing and providing for additional support needs are:



Article 23: a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to provide support to disabled children and their families



Article 28: every child has the right to an education.



Article 29: education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

This is not an exhaustive list and in the processes of identifying, assessing and planning for any additional support needs there may be others that relate specifically to the need(s) of the child or young person.

4.1.1 Trauma Informed Practice

“A trauma-informed recovery-oriented approach is person centred and involves sensitivity to individuals’ particular needs, preferences, safety, vulnerabilities and wellbeing, recognises lived experience and empowers people with lived experience to genuinely participate in decision-making.”¹⁷

The principles of trauma informed practice align with GIRFEC, the Code of Practice and the UNCRC and it is helpful to consider these when assessing, planning and providing for a child or young person with additional support needs.

These are:

- Safety;
- Choice;
- Collaboration;
- Trust;
- Empowerment and
- Cultural consideration.¹⁸

4.2 Tools To Support Meaningful Collaboration

4.2.1 GIRFEC Site Resources

A range of tools are available to facilitate ways in which the views and experiences of Children and Young People are listened to, recorded and acted upon.

[Documents to gather views](#)

A collection of documents suitable for a range of ages and stages to support effective participation.

[7 Golden Rules for Participation](#)

East Lothian schools are encouraged to follow the 7 Golden Rules for Participation, to facilitate engagement and discussion with learners.

Appropriate support should be given to all children who need it to communicate, and specific arrangements made for children and young people with complex needs.

¹⁷Mental Health Coordinating Council 2022, Recovery Oriented Language Guide: Third Edition, Sydney, Australia.

https://mhcc.org.au/wp-content/uploads/2019/08/Recovery-Oriented-Language-Guide_2019ed_v1_20190809-Web.pdf

¹⁸ Further exemplification of each of the principles: <https://www.gov.uk/government/publications/working-definition-of-trauma-informed-practice/working-definition-of-trauma-informed-practice>

In seeking and taking account of children and young person's views the Act does not require parental consent. See Section 1.5.1 for guidance on determining a child's capacity to exercise the right they are intending to use.

East Lothian Council must consider the views of the child, but does not have to consent to and implement everything a child or young person asks for.¹⁹

Where East Lothian Council is not able to act on a child or young person's views the reasons should be shared and explained.

4.2.2 Taking Account Of Views

After seeking and recording the views of the child or young person, due weight should be given to consideration of the following:

- the child's or young person's capacity to understand the information on which their views were based;
- the ability of the child or young person to express his/her own views;
- the child's or young person's understanding of the range of options and
- how well the people reporting the child's or young person's views know the child or young person.²⁰

There is to be a balance as to what is 'realistic' and 'appropriate.'

4.2.3 Young Ambassadors For Inclusion

Young people from across Scotland with additional support needs collaborated to share their experiences and provide insight into what is working and what could be better.

[Resource Pack](#)

A valuable resource demonstrating a rights-based to fully engaging with children and young people.

[Inclusion Ambassadors \(See also Appendix 4 Inclusion Ambassadors\)](#)

¹⁹ *Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 7 Section 16*

²⁰ Adapted from: *Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017*

4.2.4 Other Resources

These resources also help to involve children and young people in conversations about their support.

[Enquire: Getting Children's views](#)

[My Rights My Say](#)

4.3 Parents

East Lothian Council recognises that parents have a unique personal knowledge of their children and believes that positive relationships based on trust and effective communication underpins this vital partnership. This supports informed decision making to understand wellbeing and meet needs.

A range of information and advice is available for parents via these links:

[Getting it Right for Every Child](#)

East Lothian Council's website for guidance on the implementation of GIRFEC via the Child Planning Framework.

[Family Support Directory](#)

The Scottish Government in collaboration with the Parent Club provide an online resource which publishes information and signposting to a broad range of themes including Additional Support for Learning.

[Information Sharing Charter – Parents and Carers – 2022](#)

The Charter that explains how parents and carers can expect information about themselves or their child to be managed and aims to make their privacy rights easier to understand.

4.4 Support Organisations

4.4.1 Supporters And Advocacy

Additional support needs are often complicated and sometimes stressful for parents and young people, and they may want help to express their views. This can be in the form of a supporter or an advocate:

A supporter is most often a friend, relative, befriender or worker from a voluntary organisation. A supporter may speak for the parent or child but is more likely to give private advice and support which they use to help them speak for themselves.

An advocate will speak for the parent or child, particularly at meetings with the school staff and any meetings or hearings to do with resolving disagreements.

In most circumstances, we will agree to the young person, parent or eligible child bringing a supporter or advocate to a meeting or other form of discussion. However, there may be situations where we do not have to agree to this because it would be unreasonable. If we do not agree, we must give a clear reason for our decision.

[Resolution Mediation Scotland](#) are East Lothian's appointed service for formal mediation.

4.4.2 Further information for Children and Young People

My Rights My Say:	<p>In Scotland, all children have the right to have their views considered when decisions are being made about the support they get with their learning. Children with additional support needs aged 12 – 15 have rights to be more involved in the decisions that affect them.</p> <p>My Rights, My Say supports children aged 12-15 to use these rights. It is independent, confidential and easy to use, and here to make sure the voices of children with additional support needs are heard.²¹</p>	What is advocacy? Contact page
REACH	An advice website for Children and Young People, providing advice on rights and accessing support in school.	REACH

²¹ <https://myrightsmysay.scot/>

5 Early Learning And Childcare: Additional Support Needs

“The 2004 Act²² duties will apply when a child becomes eligible for funded early learning and childcare and so will apply to eligible 2-year-olds who are subject to a kinship care order or with a parent appointed guardian or whose parents are in receipt of certain benefits. In relation to those subject to a kinship care order, carers (like any carer or parent) can request that the additional support needs of the child be assessed, and this can include a specific type of assessment.

Under section 1(1A) of the 2004 Act a looked after child is deemed to have additional support needs unless or until they are assessed otherwise. This assessment should also include an assessment as to whether a co-ordinated support plan is required.

In certain circumstances the duties under the 2004 Act will apply earlier. The 2004 Act imposes a duty on an education authority to provide appropriate additional support for certain disabled children under school age before entitlement to the mandatory amount of early learning and childcare; potentially from birth and generally before the age at which children become eligible for early learning and childcare, where this need is identified.”

Early Learning and Childcare Statutory Guidance (July 2021)

In every school and local authority Early Learning & Childcare setting, a member of the Senior Leadership Team will have the responsibility for overseeing and coordinating matters relating to Additional Support Needs.

Information about how support is delivered and managed in each school should be outlined in the school’s handbook.

²² Education (Additional Support for Learning) (Scotland) Act 2004

5.1 Children Under 3-Years

“The Act requires an education authority to provide additional support to certain disabled pre-school children in their area, normally those who are under 3 years of age. This duty applies where such children have been brought to the attention of the education authority as having, or appearing to have, additional support needs arising from a disability within the meaning of the Equality Act 2010, and it is established by the education authority that they do have such needs. For example, if the parent has brought the child to the attention of the education authority, then the authority must establish whether the child has additional support needs arising from a disability under its arrangements for identifying and providing for children with additional support needs.”²³

All children in Scotland are supported through the NHS Universal Health Visiting Pathway from pre-birth to pre-school. If Health Visitors have concerns regarding a child’s development, they can submit a Request for Assistance to the Early Years Education Resource Group to access Outreach provision.

“Outcomes of the process of identification and assessment for very young children and their families are:

- clarification of the child’s needs;
- agreement as to what, how, where, when and by whom support will be provided and monitored;
- a Child’s Plan will be developed in partnership with parents which details the provision and includes how the parents can contribute to the actions and outcomes in the plan and
- Where there is a Child’s Plan*, the identification of a Lead Professional who acts as a single point of reference for the family and other professionals.”²⁴

“Where the education authority decide that there are no additional support needs arising from a disability, the authority should inform the parents, in writing, of the decision and the reasons for it.”²⁵

This coordinated approach will ensure that parents do not have to provide information more than once and will inform the planning of support when the child enters preschool provision.

[*See East Lothian GIRFEC site for Key Roles additional information: Named Education Contact and Lead Professional](#)

²³ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

²⁴ *Supporting Children’s Learning: Code of Practice (third edition) 2017 Section 58*

²⁵ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

5.2 Early Years Request For Assistance

[Requests for Assistance \(RfA\) can be made to the EY ERG](#) to access East Lothian’s support services for pre-school children. This includes outreach and/or family support for children aged 0 – 3, and access to a specialist educational placement in our Early Learning & Childcare provision for 3 – 5-year-olds.

5.2.1 Consideration of a CSP prior to entering Early Learning and Childcare (ELCC)

“In the early years those children below the age of a prescribed preschool child (normally the age of 3 years) are not eligible for a co-ordinated support plan since they are not eligible to receive school education. It follows, therefore, that looked after children below the age of a prescribed pre-school child are not eligible for a co-ordinated support plan. Nevertheless, [...] the authority may, in certain circumstances have a duty to provide additional support for learning to certain children, belonging to their area, who have been drawn to their attention as having additional support needs arising from a disability within the terms of the Disability Discrimination Act 1995 (c 50) even though a co-ordinated support plan cannot be provided. However, when the prescribed pre-school children are in pre-school provision managed by the authority, or in a partnership nursery, then they may have a co-ordinated support plan, provided the other criteria for having one are met.

“Education authorities should not wait until children reach the age of entitlement to school education, at the age of 3 years, before commencing the initial assessments to determine whether a co-ordinated support plan will be necessary, if they have grounds to believe that such a plan will be required. For some children who are about to start pre-school provision, such as nursery school, it may, therefore, be necessary to begin the assessment process for deciding whether a co-ordinated support plan should be prepared, or not, for a child of two years of age or, indeed, even earlier.”²⁶

²⁶ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

2

Section 2: Identifying And Assessing Additional Support

Noticing and identifying

This section sets out the guidance for identifying, assessing and providing for the needs of Children and Young People with additional support needs. The guidance is considered against a background of East Lothian's approaches to assessment and provision for meeting children's needs. It reflects the values and principles of Curriculum for Excellence and the national approach of Getting It Right for Every Child (GIRFEC).

6 Request For Formal Assessment Of Additional Support Needs

Teachers and support staff will regularly assess your child's learning. Through the Child Planning Framework, they will identify areas where your child may require additional support. This will include taking account of parents' and children's views.

Sometimes, further assessment might be needed. If a parent of a child or young person over the age of 12 thinks that they may have an Additional Support Need and require a formal assessment, they should make this request to their Named Education Contact. Any request made must include the reason(s) for making the request and should be made in writing, by e-mail or other written form that can be kept and referred to later.

If the school does not agree that a formal assessment is needed, parents or young people can make their request by contacting the Quality Improvement Manager: Equity and Inclusion.

Further information on this process can be found here:

[Enquire: Identifying and Assessing Your Child's Needs](#)

If the parent has chosen to send the child or young person to an establishment in another Local Authority (Host Authority), then the parent or young person must make their request to that Local Authority (Host Authority).

If East Lothian Council agrees to a request, we are still responsible for deciding which professional should carry out the assessment(s). A young person or parent can request that it be carried out by a particular professional, but we do not have to agree to this. However, the parent or young person could act themselves to obtain an assessment from a particular professional and then pass this assessment onto us, which will be considered.

[See Flowchart: Process following Request for Assessment](#)

If we decide a request is unreasonable, clear reasons for this decision will be given and the parent or young person can raise a complaint. (See section: [Resolving Disagreements](#)).

6.1 Assessment Of Additional Support Needs

Assessment helps to identify whether a child or young person has an Additional Support Need and determines what kind of support should be put in place.

The assessment should:

- ensure the children /young person is at the centre and will seek and take account of the views of the child or young person²⁷
- involve all those who know the child or young person well
- reflect all aspects of their wellbeing
- identify and build on strengths as well as
- taking account of needs and risks.

The National Practice Model should be used in all cases.

Specialist assessments are often required when a child or young person's needs are more complex. Education staff and other agencies will always gain consent from parents and children over 12-years to share information.

6.1.1 Assessments By Private Practitioners

Schools should have regard to the views of the child or young person and any information parents may offer about these private arrangements. Subject to appropriate consent from the child or young person and from parents, information may be shared with the private therapist or tutor through processes the Headteacher agrees with the child's parents, for example, the use of a home school diary. The communication may also include where appropriate people privately employed by parents contributing to the Child Planning process at the request of parents including attending Child Planning Meetings. Through this process as detailed in Section 9.1 the Headteacher will have responsibility for the relevant deployment of staff and resources to meet the educational needs of the Children and Young People attending their school.

It is generally inappropriate for a private practitioner to conduct assessment (or deliver a service in school) in school as:

- The authority is responsible for all necessary arrangements to meet a child's needs for the purposes of their school education. If there is a need for additional support the authority has established procedures for this.

²⁷ 'Unless there are particular circumstances to prevent this from happening, or which make it inappropriate.' *Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice, Third Edition 2017*

- The introduction of an independent practitioner creates ambiguity regarding responsibility for the direction and management of the child's learning and cannot be quality assured by the Council – this may give rise to conflicts in practice and priorities.
- May give rise to risks of breaches of confidentiality. Privately employed staff may inadvertently access information about other pupils which they are not entitled to.
- Would introduce additional administrative burden on schools – schools would need to check that the privately employed staff are vetted to work in school environment in terms of child protection and the enhanced PVG check that all council staff are required to have.

3

Section 3 Planning And Providing For Additional Support Needs

(Including responding, coordinating and monitoring)

East Lothian Council is required to provide adequate and efficient provision to meet the Additional Support Needs of each child and young person for whom they are responsible. When providing support, the authority is not required to do anything out-with their powers or anything that would result in unreasonable public expenditure. Judgements about this can only be made when considering the needs and circumstances of individual children and young people.

The Standards in Scotland's Schools Act (2000) states that children should be enrolled in a mainstream school, unless there are exceptional circumstances that prevent this. The additional support needs of almost all children and young people who require universal, additional and targeted support are met through the range of provision available within mainstream schools.

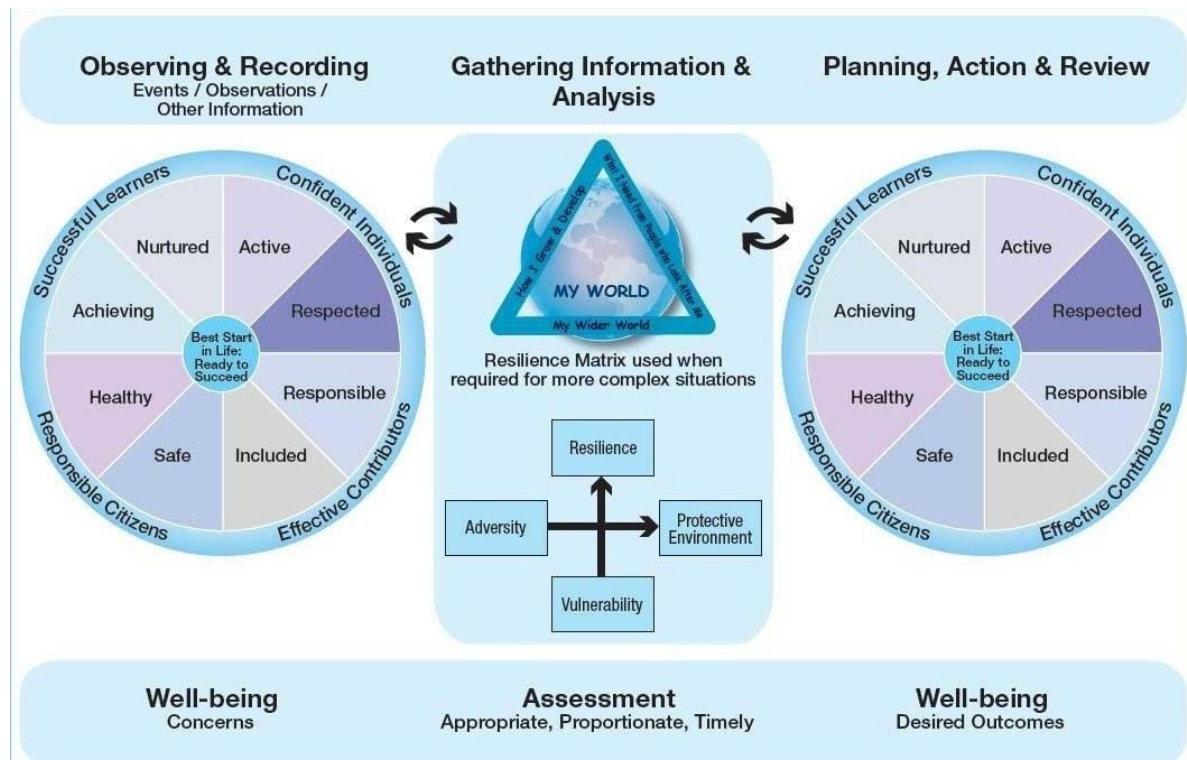
Planning for learning is an ongoing process subject to continuous review, through early learning and childcare, school and beyond into lifelong learning. This practice is subject to routine processes such as curriculum planning, tracking and monitoring, self-evaluation and quality assurance.

Assessment, planning, action and review for children and young people's Additional Support Need(s) is recorded and evidenced through the [Child and Young Person's Planning Framework](#) and associated supports and documentation.

In East Lothian there are a range of staff who can provide support for pupils; they work with individuals or small groups of children and young people as required. The support given will be designed to achieve the maximum independence for the child or young person and to facilitate access to the curriculum as unobtrusively as possible. In secondary schools, guidance or pupil support staff play a crucial role in supporting pupils.

6.2 Child's Planning Framework

The framework builds on existing processes for meeting learner's needs, but also takes account of the [National Practice Model](#) within the legislation of the Children and Young People (Scotland) 2014 Act.



"GIRFEC as a strengths-based approach seeks to realise children's rights on a day-to-day basis and is therefore underpinned by key values and principles:

- placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them;
- working together with families to enable a rights-respecting, strengths-based, inclusive approach;
- understanding wellbeing as being about all areas of life including family, community and society;
- valuing difference and ensuring everyone is treated fairly;
- considering and addressing inequalities;
- providing support for children, young people and families when they need it, until things get better, to help them to reach their full potential; and
- everyone working together in local areas and across Scotland to improve outcomes for children, young people and their families.

GIRFEC is about enhancing the wellbeing of all Children and Young People as well as building a flexible scaffold of support: where it is needed, for as long as it is needed.

This is delivered through the core components of:

- [Named Education Contact](#) or [Lead Professional](#) who is a clear point of contact for children, young people and families to go to for support and advice. They can also connect families to a wider network of support and services so that they get the right help, at the right time, from the right people;
- a shared and holistic understanding of wellbeing and a single model of how this can be considered and supported; and,
- a single, shared and rights-based approach to planning for children and young people's wellbeing where support across services is needed, co-ordinated by a lead professional."²⁸

The additional support and wellbeing needs of children and young people at the level of universal and additional will generally be met in mainstream settings within inclusive practices. Children and young people who require targeted support often have needs that are required to be met in specialist provisions.

6.3 GIRFEC In East Lothian

National GIRFEC policy and guidance is delivered in East Lothian's Children's Services via the **Child and Young Person's Planning Framework**. This framework has been designed to be child centred, holistic and integrated in its approach to ensure that Children and Young People and their families, receive the earliest and most effective response to their needs. It is a dynamic framework where assessment is directly linked to intervention. The framework is a single shared approach to planning for Children and Young People across services which enables collaborative decision making and planning. Key to success are children, young people, families and agencies working together in gathering information, conducting interventions, and evaluating progress. The paperwork ensures all aspects outlined in the National Practice guidance are met and compliant.

²⁸Adapted from Getting it right for every child Policy Statement 2022

6.4 The Three Levels Of The Child And Young Person’s Planning Framework



<p>Universal</p> <p>Universal services wrap around Children and Young People at all times and can be drawn on when a wellbeing need has been identified.</p>	<p><i>"Universal Services of Health and Education are available to all Children and Young People throughout the early years into primary and secondary school."</i></p> <p>Universal support includes a wide range of interventions e.g.</p> <ul style="list-style-type: none"> • Early support for health or developmental issues • Guidance and pastoral support • Engagement in the health and wellbeing curriculum • Informal community groups and volunteer networks as well as group work • Support for learning and • Parenting support and advice.
<p>Additional</p> <p>Additional support is available to some Children and Young People who require more intervention than is available at the Universal level usually from a partner agency.</p>	<p><i>"The aim of additional support is to prevent further, intensive interventions being required at a later stage."</i></p> <p>A range of partners able to provide additional support include:</p> <ul style="list-style-type: none"> • Educational Psychology Service • Speech and Language Therapy • Children and Adolescent Mental Health Service (CAMHS). • School Nursing Service • School Counselling Service • Third sector organisations – individual and group supports and • Relevant community clubs and organisations.
<p>Targeted</p> <p>A small proportion of Children and Young People will require a high level of targeted support from several agencies over a period of time</p>	<p><i>"Targeted support is for Children and Young People with a higher level of complex needs and will be provided through a multi-agency partnership approach, including specialist providers."</i></p> <p>Examples of where targeted support should be required:</p> <ul style="list-style-type: none"> • Children and Young People on the Child Protection register • Looked after/care experienced Children and Young People, both accommodated and at home • Children and Young People subject to a Child Protection investigation • Children and Young People receiving intensive support from CAMHS and • Children and Young People with complex health care and educational needs who may be attending a specialist provision

Through the framework, a wide range of services and agencies can offer support to children, young people and families in meeting the additional support needs.

More services and further information:

Access individual sectors to see full range.

<u>Internal East Lothian Service</u>	<u>3rd Sector Partners</u>
<u>Home Education and Learning at Home Resources</u>	<u>NHS Services</u>

6.5 Child Planning Framework Documentation

Document	Purpose	Further Information
Minute and Action Plan	<p>To record:</p> <ul style="list-style-type: none"> all minutes and actions arising from Child Planning Meetings (CPMs) with parents, child and young person. monitor and evaluate all supports and strategies implemented to support C/YP with Additional Support Needs (ASN). 	C/YP Minute and Action Plan
Wellbeing Assessment	<p>Child/Young Person's (C/YP) Wellbeing Assessment is used at the Additional and Targeted levels of Child's Planning Framework when:</p> <ul style="list-style-type: none"> Previous interventions at the Universal (School) level have not resolved the wellbeing concerns Further assessment and interventions are required from an agency/agencies out with education and there is a need to co-ordinate the planning. A multi-agency response is in place 	C/YP Wellbeing Assessment
Coordinated Support Plan ²⁹ (CSP)	<p>A Co-ordinated Support Plan (CSP) A statutory plan to help identification and ensure provision of services for children or young people, whose additional support needs arise from complex, or multiple factors, which have a significant adverse effect on their school education and are likely to last at least a year, and which require support to be provided by an education authority and at least one other non-education service or agency</p> <p><i>(Children and Young People who are looked after, should automatically be considered for a CSP)</i></p>	Coordinated Support Plan Flow Chart

²⁹ [Enquire: Coordinated Support Plans](#)

Additional documentation used to support the Child’s Planning process as appropriate:

Document	Purpose	Further Information
Individual Education Plan (IEP)	To be used for Children and Young People who require modifications to the curriculum to allow them to access learning opportunities.	IEP document
Positive Support Plan (PSP)	A Positive Support Plan aims to provide all staff, including supply or new staff working with a child or young person, with sufficient knowledge to assist them in reducing the risk of behaviours escalating to crisis point	PSP Documents *Note: 2 versions School and ELCC
Inclusion and Wellbeing Risk Assessment	To identify supports and mitigations required for individual Children and Young People and aims reduce the risk of harmful behaviours	Inclusion and Wellbeing RA
<u>Health Care Needs in Schools</u>	Guidelines for the Management of Pupils with Healthcare Needs	Guidelines and Associated Documentation Access to a range of associated templates and documents e.g. request for school healthcare plan.
Developmental Overview	ELCC Developmental Overviews provide a format for the early identification of need within ELCC. It is a tool to record and indicate the child’s strengths and needs and can also be used to monitor the impact of intervention.	Building Connections Developmental Overview

Our aim is to create the right conditions to ensure that effective, collaborative planning can take place. A comprehensive guide to good practice, listing actions to be considered before, during and after a Child’s Planning Meeting can be accessed here:

- [Organising Child Planning Meetings](#)

7 Children And Young People Educated At Home Or In An Independent Nursery Or School Funded By Parent

East Lothian Council has no legal duty under The Education (Additional Support for Learning) Scotland) Act 2004 and subsequent amendments to assess and provide for additional support to Children and young people who are educated at home. The parent has responsibility for meeting these needs. The parent, child (aged between 12-15, with capacity to make such a request) young person (aged 16+) or nursery/school staff can request East Lothian Council provide support by contacting the Equity and Inclusion Quality Improvement Manager via educationenquiries@eastlothian.gov.uk. In this situation it is general practice to provide advice but no other form of support.

For Children and young people educated in an independent nursery or school funded by a parent, the parent or young person or nursery/school staff can request East Lothian Council provide support by contacting the Education Service Manager: Early Years via educationenquiries@eastlothian.gov.uk. In this situation it is general practice to provide advice but no other form of support, as East Lothian Council can provide support more efficiently in a placement which is managed and funded by the authority.

8 Transitions

The transition process has a number of associated duties and is underpinned by rights.

All children and young people go through transition stages in their education and therefore should experience activities in the context of the curriculum, learning and achievement which will prepare them for transitions within and beyond school education.

Children and young people with Additional Support Needs may need enhanced support. In East Lothian, we support this through the Child's Planning Framework and by applying [Transition: Good Practice](#) and [Principles of Good Transitions](#) (14-24 years)

In all East Lothian establishments, the Named Education Contact (or Lead Professional) will be responsible for coordinating transitions.

8.1 Transition Planning And Duties:

8.1.1 Universal And Additional

Appropriate and proportionate planning should be undertaken for **all** children and young people with an Additional Support Need. Cognisance should also be given to children and young people who previously may not have an identified additional support need but may need additional support to ensure a successful transition.

8.1.2 Additional And Targeted

It is anticipated that the transitional duties will certainly apply to all those Children and Young People with additional support needs where one, or more, of the following circumstances apply:

- have a co-ordinated support plan;
- are in a specialist placement such as a specialist unit or a day or residential special school; and
- have additional support needs.

To allow appropriate transitions to be planned, the Early Years Education Resource Group (EY ERG) and Education Resource Group (ERG) will consider referrals of children and young people at key transition stages.

It is important to note that not all children/young people referred to EY ERG and ERG will be given a specialist place. For this reason, parents should also enrol their child in their catchment mainstream school. Only when a specialist place has been offered and accepted will the mainstream place be withdrawn.

8.2 Statutory Duties And Timescales

There are six points in the education of a child or young person with ASN when transition duties apply:

- Pre-nursery
- Pre-primary 1
- Pre-secondary 1
- When leaving secondary education
- When a CYP is moving to another school within the authority
- When a CYP is moving to a school out with the authority.

Schools must seek and take account of relevant advice and information from other agencies **no later than 12 months** before a child or young person, who has additional support needs, is expected to have a change in school education or move on to post school provision.

For a child in their pre-school year, the timescale is **six months**.

Schools must identify the agencies (for example, receiving school, therapist services, colleges) that require information to meet the Additional Support Needs of the child or young person as they move on. Schools must pass on this information to them **no later than six months** before the transition.

For a child in their pre-school year, the timescale is **three months**.

8.2.1 Pre-Nursery

Where the child has been identified as likely to require additional support.

No later than 6 months before the child is due to start at the pre-school provision (it can be undertaken earlier), East Lothian will seek and take account of relevant advice and information from ‘appropriate agencies and other persons’ before the child is expected to begin receiving school education.

No later than 3 months before the child is due to start at pre-school provision

East Lothian will inform these agencies of

- the date education is due to start
- the child’s additional support needs
- the additional support provided to the child during the 3 months immediately prior to providing the information to the appropriate agency.

“The education authority must seek the consent of the child's parents before passing on information, unless to do so would result in a significant risk of harm to an individual. Copies of any information passed on to an appropriate agency should be sent to the parents at the same time as it is sent to the appropriate agency, unless to do so would result in a significant risk of harm to an individual.

8.2.2 Disabled Children Under Three Years Old

‘The Act requires an education authority to provide additional support to certain disabled pre-school children in their area, normally those who are under 3 years of age. This duty applies where such children have been brought to the attention of the education authority as having, or appearing to have, additional support needs arising from a disability within the meaning of the Equality Act 2010, and it is established by the education authority that they do have such needs.’³⁰

If a child requires support because they are disabled, East Lothian should assess their needs and see what help can be offered. East Lothian Council has a duty to provide a child with support if they need it.

A child is disabled if they have ‘a physical or mental impairment’ which has a ‘substantial and long-term negative effect’ on their ability to carry out normal day-to-day activities.

There is not a requirement to have a formal diagnosis to be considered to be disabled.

The support East Lothian Council will offer your child will be based on individual needs. The support should help the child get the most from their early learning.

³⁰ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, Early years: children under the age of 3 years: Chapter 3, Paragraph 52

If a child is disabled and not yet receiving their funded hours of early learning and childcare, contact [East Lothian Early Years Service Manager](#)

‘The advice and information is relevant where it is likely to assist the education authority in: - establishing the child’s additional support needs - determining the provision of additional support required - considering the adequacy of the additional support provided.’

Any disclosure of information must be in accordance with the law on data protection, human rights, confidentiality and other relevant law.”³¹

³¹ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 6 Transition: reg 4 (4) Paragraph 14

“Quality indicator 1.5: Effective transitions

This includes the extent to which children’s rights are respected and promoted through the following key areas:

- approaches to transitions promote children’s security and wellbeing
- effective communication, throughout transition promotes continuity and progression of children’s care, play and learning.”³²

The [Scottish Early Childhood and Families Transitions Statement](#) provides further information including the use of ‘Six Principles’ which is founded on a shared understanding of the importance of transitions and consideration and assessment of the impact of transitions on children’s lives.

8.2.3 Preschool To Primary And Primary To Secondary

The above duties apply to these transitions also, with the difference being the timescales.

Schools must seek and take account of relevant advice and information from other agencies **no later than 12 months** before a child or young person, who has additional support needs, is expected to have a change in school education.

The duty to provide information should be completed **no later than six months**.

8.2.4 Transition To Another Authority

The above duties apply (including in the circumstances of a placing request.)

As above, where the education authority seeks advice and information from other appropriate agencies or other persons then the Regulations require the authority also to seek and take account of the views of the child (if the child is able to express a view) and the child’s parent before starting the new provision.

8.2.5 Preparing For Adulthood

Schools must seek and take account of relevant advice and information from other agencies **no later than 12 months** before a young person, who has additional support needs, is expected to have a change in school education or move on to post school provision and the duty to provide information should be completed **no later than six months**.

³² A quality framework for daycare of children, childminding and school-aged childcare February 2022, Care Inspectorate

All young people are entitled to a senior phase of education which provides them with opportunities to obtain qualifications and reinforce their broader learning and achievements through a range of experiences including enhancing skills for life and skills for work.

Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004

East Lothian Council have a duty to support young people with Additional Support Needs, as part of the curriculum offer, to make the transition from school to a positive and sustained destination. For most young people, this support will come from within their school and may include:

- Ensuring that all young people have reached appropriate levels of attainment in line with [East Lothian's Raising Attainment Strategy](#)
- Discussion at the post 16 hub at school;
- Personal and Social Education (PSE) curriculum topics within Planning for Choices and Change;
- Support from other agencies including health and social work;
- Visits to further and higher education establishments;
- Work placements in the senior phase; and
- Advice and guidance from careers advisory services in schools.

These possibilities should be discussed at Child Planning Framework meetings. Young people should engage personally in the transition planning process.

Further information:

[More Choices More Chances](#)

'A Strategy to reduce the proportion of Young People not in Education, Employment or Training in Scotland'

[Opportunities for All](#)

A national initiative that aims to improve young people's participation in learning or training³³

[Developing The Young Workforce](#)

'DYW connects employers with education so that young people develop the skills needed for the workplace.'

[Skills Development Scotland](#)

"Skills Development Scotland is the national skills body supporting the people and businesses of Scotland to develop and apply their skills"

[MyGov.Scot](#)

Leaving school: Your Options

[No One Left Behind](#)

Employability Strategic Plan 2024-2027

³³ <https://education.gov.scot/parentzone/curriculum-in-scotland/post-16-opportunities/opportunities-for-all/>

8.2.6 Looked After Children And Young People And Leaving Care Support

The 2004 Act stipulates that transition duties apply to all Children and Young People with additional support needs, and this includes ‘otherwise at risk of not making a successful transition such as Looked After children and young people.’

Further guidance on supporting care leavers with transition can be accessed here

[Staying Put Scotland](#)³⁴

Supporting Looked After children and young people to remain in care, as part of a staged transition towards adulthood and greater independence.

[The Promise](#)

The Promise in Scotland is a national commitment made in response to the Independent Care Review completed in 2020. It represents a pledge to ensure that care experienced children and young people grow up loved, safe, and respected, and that by 2030 that promise **must be kept**.

8.2.7 Children And Young People With A CSP

Where a child or young person has a CSP, the current CSP co-ordinator must discuss any probable change of statutory co-ordinator with the child, or young person and parents. This must be done as far in advance of the change as possible.³⁵ Any agencies involved must also be informed by the school.

If a child or young person is leaving or moving from a school and the school is unable to meet the statutory timescales, they must take necessary action as soon as is reasonable.

When an education authority become aware that the 16 week time limit is unlikely to be met, they must explain to the child’s parents, the young person or the eligible child, the reason for the delay and must set a new date for completion of the process. The Regulations require that the new time limit should not exceed the standard 16 weeks by longer than is reasonably necessary in the circumstances, which in any event, must not be more than 24 weeks from the start date. This is to allow for the individual circumstances surrounding the delay to be taken into consideration and to allow an appropriate new timetable to be set in the light of these.

[Any disclosure of information must be in accordance with the law on data protection, human rights, confidentiality and other relevant law.](#)³⁶

³⁴ Staying Put Scotland Providing care leavers with connectedness and belonging

³⁵ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

³⁶ Supporting Children’s Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 5 Section 92

8.3 Transitions - Good Practice

“[This must include] clear pathways on transitions for children and young people with additional support needs, in the context of learning for life, allowing parents, carers, children, young people and professionals to be informed and supported at key transition points.”

Support for Learning: All our Children and All their Potential, Executive Summary

Transition planning should be embedded within the Child’s Planning Framework whenever a child or young person with additional support needs is approaching a transition point in their school education and arrangements enable compliance with the statutory timescales.

This ensures:

- the child's or young person's views have been taken into account;
- the appropriate support is in place for the transition;
- the support is coordinated by the relevant person and includes all those who have a role in supporting the child or young person and
- There is clarity as to:
 - what will happen;
 - when and
 - who is responsible for providing the support.

ARC Scotland published the [‘Principles of Good Transitions 3’](#) framework in 2017 to inform, structure and encourage national good practice in transitions for children and young people .

9 School Placements

9.1 Mainstream School Provision

In accordance with the duties outlined in the Standards in Scotland's Schools Act (2000), East Lothian Council presumes that, unless exceptional circumstances exist, children and young people will be educated within a mainstream school wherever possible, with support and planning delivered in the context of East Lothian Council's Child and Young Person's Planning Framework. Headteachers have responsibility for the relevant deployment of staff and resources to meet the educational needs of the Children and Young People attending their school.

'The presumption of mainstreaming enshrines the right of all children and young people with additional support needs to learn in mainstream schools and early learning and childcare settings.'

Guidance on the presumption to provide education in a mainstream setting 2019
Scottish Government

Every mainstream primary and secondary school has a catchment area that is determined by the Education Authority and every child that lives within the catchment area of a primary and secondary school will be automatically allocated a place at that local school before the child is due to begin primary or secondary education.

There may be situations when parents or young people prefer a mainstream school which is not their local school. In these situations, parents and young people have the right to make a placing request for the school or schools of their choice. For more information on making mainstream placing requests contact: schoolplacements@eastlothian.gov.uk

Mainstream schools may also have a specialist provision situated within a primary or secondary mainstream school. [See section 7.4 for further information on making a Placing Request to a specialist provision](#)

9.1.1 Early Learning and Childcare Placements

Nurseries do not operate catchment areas. Parents can choose from any setting offering the model they would prefer.

Please see link below for further information.

[Further information](#)

9.2 Specialist Education Provisions

It is recognised that where children and young people require a higher level of support than can be provided within mainstream schools, placement in a specialist provision may be necessary. It is expected that this will be the case for a small number of children with enduring, significant and complex needs.

East Lothian Council have a number of specialist provisions. Further information about East Lothian Council's specialist provisions is contained within '**Included, Engaged & Involved Education** Resource Group (ERG), Early Years Education Resource Group (EY ERG) and Specialist Provision Guidance February 2025'

The decision to provide a placement for a child or young person in a primary or secondary specialist provision is taken by the Education Resource Group (ERG), and for pre-school children by the Early Years Education Resource Group (EY ERG). This document also contains information on early admission to primary school.

[Included Engaged and Involved: Education Resource Group \(ERG\), Early Years Education Resource Group \(EY ERG\) and Specialist Provision Guidance \(February 2025\)](#)

Education Resource Group (ERG), Early Years Education Resource Group (EY ERG) and Specialist Provision Guidance

[Early Years Education Resource Group \(EY ERG\)](#)

[Education Resource Group \(ERG\)](#)

9.3 Placing Requests For Specialist Educational Provision

Parents/carers of children with Additional Support Needs, or a young person with Additional Support Needs who is deemed to have capacity, may make a Placing Request to the Local Authority for admission to a specialist educational provision managed by the Council, or a special school not managed by the Council. This can be made at any stage in the child or young person's stage of education*.

**Parents/carers should be made aware of this right where a child is due to start at an East Lothian school or where East Lothian propose that a child should for any reason, be moved to a new or different school.*

EY ERG and ERG will consider all Placing Requests for specialist educational provision.

To make a placing request notification should be made in writing to the school placements mailbox schoolplacements@eastlothian.gov.uk

9.3.1 Transport

Free school transport is not available if the child or young person is attending a non-catchment school (including a specialist provision) as a result of a Placing Request made by a parent, or the child or young person.

9.4 Children And Young People Moving Into East Lothian

School aged children/young people moving into East Lothian Council with significant and complex Additional Support Needs, including pupils moving in from England with an Education Health & Care Plan (EHCP), should be presented to the [Quality Improvement Manager for Equity and Inclusion](#) in the first instance.

Should the current assessment indicate the need for Targeted support or a specialist educational provision, then the evidence must be presented to the EY ERG or ERG for consideration and allocation of support. If the current assessment is not complete or inconclusive an assessment of need will be undertaken by an East Lothian Council Educational Psychologist.

10 Care Experienced Children And Young People

Aspiration

All care experienced children will achieve their potential in school. All care experienced young people will leave school and have a positive destination. All care experienced children and young people have skills and talents and as corporate parents we will assist young people to use these. As a Local Authority we will strive for all children to live and learn in East Lothian.

East Lothian Corporate Parenting Plan: Champions Board version

10.1 Stigmatising language: for consideration

A key message from the Scottish Independent Care Review (The Promise), Evidence Framework (Feb 2017 – Feb2020) is the impact of language on how care experienced Children and Young People feel.

The evidence framework gives examples of the negative impact jargon and words like, 'placement,' 'contact,' 'respite' and the acronym 'LAC' may have. The language we use to describe being in care is important; everyone needs to be respectful and inclusive in the words we use.

Care Experienced is a term we use in education; it has no statutory basis. Care experienced is an umbrella term which can mean children and young people who are:

- Looked after at home through a Compulsory Supervision Order (CSO);
- Looked after away from home in a residential children's house, in a foster placement or in a kinship placement (Looked After or Non-Looked After)
- Adopted but were looked after as described prior to their adoption and
- Previously looked after, where at some point in their lives they have had any of the above experiences. The child or young person may never have been formally looked after.

Looked After is statutory.

For these children and young people there are legislative requirements around their safeguarding. Looked after children and young people include those:

- Looked after at home through a Compulsory Supervision Order (CSO) or
- Looked after away from home in a residential children's house, in a foster placement or in a looked after kinship placement.

10.2 Looked After Child: Legal Definition

The Legal definition of “Looked After” is listed in section 17(6) Children (Scotland) Act 1995:

(6) Any reference in this Chapter of this Part to a child who is “looked after” by a local authority, is to a child—

(a) for whom they are providing accommodation under section 25 of this Act;

(b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children’s Hearings (Scotland) Act 2011);

(d) who is subject to an order in accordance with which, by virtue of regulations made under section 33(1) of this Act [or section 190 of the Children’s Hearings (Scotland) Act 2011 (asp 1) (effect of Orders made outwith Scotland)] 3 , they have [responsibilities as respects the child] 4 [; or] 5

(e) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect.

i.e. ‘Looked After’ refers to children and young people who are subject to compulsory supervision orders or voluntary arrangements, mutually agreed between parents or carers and local authority social work services.

These orders are put in place at a Children’s Hearing held in the child or young person’s home local authority. Responsibility for implementing and monitoring these orders rests with the child or young person’s home local authority usually through the home local authority’s social work service.

Looked After children and young people can be living with their family at home or with friends and relatives. They may also be living with foster carers or in residential schools or homes.

For the purposes of recording in SEEMiS legal terminology is used.

There are three categories:

- Looked After at Home;
- Looked After Away from Home and
- Previously Looked After.

Care Experience Placement	Definition	Looked After Legal Definition	SEEMiS record
Looked After at Home (CSO)	<p>A child or young person becomes looked after at home when the Children’s Hearings system decides that a compulsory supervision order is necessary. It may decide that the child or young person should continue to stay at home. There are two main instances in which this happens:</p> <ul style="list-style-type: none"> • as a starting point for planned intervention, where the balance of risk and assessment of need indicates that it is not in the best interests of the child or young person to remove them from the care of their parents, but that statutory intervention is required. • where children or young people are returning home after being looked after away from home, where some risks still remain, and this level of statutory intervention continues to be in the child or young person’s best interests. <p>In practice, when a child becomes looked after at home their parents must work with the ‘implementation authority’ – the local authority. The parents will receive regular visits from social workers to ensure that the objectives of the compulsory supervision order are being met</p>	YES	Looked After at Home
Kinship Care Looked After	<p>Kinship care is when a child is cared for by their extended family or close friends if they cannot remain with their birth parents. A child or young person in a kinship care placement could either be ‘Looked After’ or ‘not Looked After’.</p> <p>If a child or young people have been placed with kinship carers by the local authority via section 25, CSO or more rarely a Permanence Order then the child or young person is Looked After.</p> <p>Under the Looked After Children (Scotland) Regulations 2009, a kinship carer is defined as “a person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship”.</p>	YES	Looked After Away from Home

Care Experience Placement	Definition	Looked After Legal Definition	SEEMiS record
Residential care	<p>Children and young people who are looked after away from home may live in residential care in a group setting, such as a residential home or school. A child or young person may become looked after in residential care by virtue of a decision made at a Children’s Hearing. This could be as part of the Child’s Plan through a Compulsory Supervision Order with a condition of residence or on an emergency or short-term basis through an Interim Supervision Order.</p> <p>A child may also be looked after in residential care legally secured through a Permanence Order. A child or young person may also become looked after in residential care without the involvement of the Children’s Hearing, under what is known as a ‘voluntary arrangement’ by virtue of section 25 of the Children (Scotland) Act 1995</p>	YES	Looked After Away from Home
Foster	<p>Children and young people who are looked after away from home may be looked after in foster care, in which a stable home environment is provided by registered foster carers.</p> <p>Foster care can be a temporary arrangement that can end when a child returns to their birth parents or is adopted. Some placements can be long term.</p> <p>A child may also be looked after in foster care legally secured through a Permanence Order.</p> <p>A child or young person may also become looked after in foster care without the involvement of the Children’s Hearing, under what is known as a ‘voluntary arrangement’ by virtue of section 25 of the Children (Scotland) Act 1995.</p>	YES	Looked After Away from Home

Non-Looked After Placements

Care Experience Placement Type	Definition	Looked After Legal Definition	Recorded as:
Previously Looked After	If a child or young person has, at any stage of their life experienced one of the aforementioned (Looked After) placements they are deemed to be 'previously looked after'.	NO	Previously Looked After
Kinship Care - Non-Looked After.	Some children or young people live in a kinship care arrangement in a completely private arrangement with extended family, with either no local authority involvement, or social work support which is provided on a voluntary basis. These children are not 'looked after'. School should give parental rights due consideration in this case	NO	No SEEMiS Record
Adopted	Adoption is the legal process which allows a child or a group of siblings who cannot remain with their birth family to become full, permanent members of their new family. Once an adoption is formalised there may be no local authority involvement, or social work support which is provided on a voluntary basis. These children are not 'looked after'. They may also not have been 'previously looked after' as this depends on their individual route to adoption.	NO	No SEEMiS Record <u>unless</u> 'Previously Looked After'.

See: *Care Experienced Children and Young People Definitions Document (in development)*

10.3 LAC and CSP

East Lothian Council **must consider:**

- A CSP if the local authority has legal responsibility for the care and wellbeing of a child or young person and
- **On an annual basis** whether a Looked After child or young person needs a CSP.

10.4 Children And Young People ‘Looked After’ By Another Local Authority Enrolling In An East Lothian School

East Lothian Council should be made aware by a local authority of any intention to place a Looked After child or young person in an East Lothian school. The Depute Head Teacher for Equity and Inclusion should be made aware via educationenquiries@eastlothian.gov.uk.

A transition meeting should be held prior to any pupil starting at school. With consent, health, education and social work information will be shared at this meeting to allow the East Lothian school time to plan appropriately for the child or young person’s start.

East Lothian Council considers the decision around additional support needs to be ours rather than the placing authority. Any additional support resources should be agreed prior to a child or young person starting at the school to ensure a positive start.

It is the responsibility of the placing local authority for the provision of any additional resources and must be agreed in advance of enrolment.

10.5 Care Experienced: Further Information Advice And Support:

Contact: [DHT Equity & Inclusion, ELC Care Experience Strategic Lead](#)

Website: [East Lothian EduHub: Care Experienced](#)

Website: [Fostering, adoption and looked after children](#)

11 Young Carers

Definition:

A young carer is someone who:

- provides (or intends to provide) care for another person
- under the age of 18; or
- 18 or over, but still attending school³⁷.

East Lothian Carers Values Statement

“We want to ensure carers are recognised by all in society for their fundamental role in supporting people and sustaining our communities. Our aim is for Carers of all ages across East Lothian to be able to access the support they need, when they need it and to maintain their quality of life and health and wellbeing, however they define it. They will be able to live their own life alongside caring, maintain relationships, physical, psychological and social health and continue caring while it is their choice to do so.”

‘Carers are supported to manage their caring responsibilities with confidence and in good health, and that they are able to have a life of their own.’

East Lothian Carers Strategy 2023-2026

East Lothian has a dedicated [Young Carers Service](#). This service collaborates with schools and other local authority and voluntary organisations support fulfilling the requirements of the Carers Act (Scotland) 2016.

The statutory code of practice which provides guidance on *The Education (Additional Support for Learning) (Scotland) Act 2004* makes clear that young carers “may experience barriers to their learning and additional support needs should be identified, provided for and reviewed in line with the requirements of the 2004 Act.”

³⁷ Definition from Carers charter: Your rights as an adult carer or young carer in Scotland (March 2018)

11.1 East Lothian Young Carers Pathway

[Flowchart](#)

There are a number of ways in which a school may become aware that a child or young person is a Young Carer; a child or young person may self-identify, someone in their family informs the school or through a Wellbeing Concern.

With relevant consent, the child, young person and/or family are then required to complete an [online identification questionnaire](#). On completion of the questionnaire, someone from the service will then make contact to discuss further and talk about supports.

11.2 Recording Young Carer Status

Young Carers should be recorded on SEEMiS **and** recorded as having an Additional Support Need.

11.3 Transition

A Young Carer who is planning to leave school should be considered for discussion at the appropriate post 16 Hub meeting.

When a young person becomes eighteen years old and leaves school, the Young Carers statement will remain in place until an adult carer support plan is developed.

See also [Transition](#)

11.4 Supporting Resources:

A range of advice, support and resources:

- [East Lothian Young Carers](#)
- [EduHub Young Carers](#)

4

Section 4: Resolving Disagreements

East Lothian Council's [Parental Engagement Strategy](#) aims to ensure that all parents are encouraged and supported to engage as partners in their children's learning, and to become involved in the life of the school. The strategy also ensures that it can continue to build on good practice and create further opportunities for our parents and schools to work together.

We aim to work in partnership with children, young people and parents. In this way, we intend to come to an agreement on what is the best way to meet needs. However, we understand that at times there may be disagreement about how a child or young person is supported.

East Lothian Council aims to resolve complaints quickly and close to where we provided the service and, in most cases, this would be at the school / Early Learning & Childcare setting. We encourage children, young people and parents to discuss any concerns that may lead to a disagreement with one of the various professionals providing support– for example, a class teacher or a member of the school's leadership team.

Around this time, the child, young person or parent might want to seek information and advice – for example to help them organise their thoughts before speaking to one of the local professionals about their concerns.

The Scottish Government have set up an advice service for additional support for learning, Enquire, who can be contacted:

Tel: 0345 123 2303
Email: info@enquire.org.uk
Website: <https://enquire.org.uk/>

If agreement cannot be reached at this stage, there are more formal methods of dispute resolution that a parent or young person can make use of. These are detailed in the following sections.

11.5 Complaints

In the first instance East Lothian Council schools would seek to establish if the issue or disagreement can be addressed as everyday business. This would typically be carried out by the head teacher or nominated member of staff.

Anyone, including eligible children and young people, have the right to make a formal complaint if they are unhappy about our action or lack of action, or about the standard of service provided by East Lothian Council or on our behalf.

The four general principles of the UNCRC must be considered within any complaint process:

- non-discrimination of Children and Young People;
- the best interests of the child as a primary consideration in decisions;
- the right to life, survival and development and
- the child's right to have their views given due weight.

A complaint can be made by email, online, by telephone, in writing or in person or by having someone complain on their behalf.

More information on the complaints process can be found on the council's website.

[Complaints Procedure](#)

For parent of a child who attends an ELCC there is also a confidential complaint service provided by the Care Inspectorate.

[Care Inspectorate complaint information](#)

Guidance for Child-Led Complaint

Guidance from Scottish Public Services Ombudsman (SPSO) to ensures that all complaints are handled in a manner that respects and promotes children's rights under the United Nations Convention on the Rights of the Child (the UNCRC).

- For Education Authority/Schools
 - [Principles](#)
 - [Process Guidance](#)
- For Parents
 - [Children's Rights in the Complaints Process: A Guide for Parents and Carers](#)

11.6 Mediation

If a disagreement occurs, East Lothian Council may offer mediation to the parent or young person. Mediation is provided by an entirely independent service. The purpose of mediation is to help both sides to understand each other's point of view to:

- “build or rebuild a positive relationship”³⁸
- prevent a disagreement from becoming more serious and to
- give another chance to collaborate and reach mutual agreement.

The parent, child or young person can request mediation before it is offered by contacting the mediator directly. Compared to dispute resolution and tribunal, mediation is faster and has very few formalities.

The meeting is confidential, and it is likely to take place somewhere convenient for the parent or young person and somewhere they feel comfortable – for example, the school attended by the child or young person or a community centre near to where they live. This service is free of charge. The mediator will not offer advice to either side but will help them to express their views and understand each other's perspectives to try and find a positive way forward.

Parents and the young person do not have to accept the offer of mediation, and this does not stop them from going down another route of dispute resolution. It is also the case that mediation can be used at any time, including during dispute resolution and tribunal and more than once as it can be useful in resolving parts of a disagreement as well as the whole of the disagreement. Parents can initiate mediation on behalf of a child or “young person lacks capacity to express a view or make a decision.”³⁹

If the parent or young persons may wish to have a supporter or advocate (not legal representation) present at the meeting with a view to finding a positive outcome.

Resolution Mediation Scotland are East Lothian's appointed service.

Contact Details: Tel: tel:07577060801 Email: info@resolutionmediationscotland.co.uk

Website: [Resolution Mediation Scotland/ASN](#)

How to Access: Possible referrals should be discussed in the first instance with the school's link [Education Support Officer](#).

³⁸ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 8 Section 6

³⁹ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

11.7 Dispute resolution

East Lothian's procedures aim to resolve disputes which arise between the authority and any parents, eligible children or young people and used for disputes about most matters to do with assessing and meeting a learner's Additional Support Needs. For example, it could be used for a disagreement about what are the Additional Support Needs, what is a reasonable assessment request, or what support the child/young person requires to meet their Additional Support Needs⁴⁰.

It ensures the procedure allows for a formal review of an individual case by an independent third party.

⁴⁰ . The Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005, prescribe which disputes, relating to particular functions of the authority under the Act, will be capable of reference to dispute resolution and timescales for the process.

11.8 Independent Adjudication

'Independent adjudication is when a neutral and independent person (an adjudicator) looks at information about a disagreement about additional support for learning, and then makes recommendations for how to resolve it.'⁴¹

The dispute will be considered by an independent adjudicator. They will have experience of working in the field of additional support needs and will be appointed by the Ministers of the Scottish Government, ensuring that they have no connection to the East Lothian Council.

Independent adjudication can be requested if parents, eligible children or young people disagree with the local East Lothian's decision about any of the following:

- whether your child has additional support needs;
- the kind of support needs;
- refusing a request for an assessment and
- the person doing an assessment, or the way it is done.

Or it is felt that the local authority has failed to:

- provide the additional support for learning that the child or young person needs or
- request help from another agency, for example the NHS to meet needs

An application for dispute resolution must be made to the Scottish Ministers containing the following information:

- The name and address of the applicant;
- The name and address of the child/young person;
- What the disagreement is about. This must be from a list of 'specified matters';
- The legal grounds for the application, referring to the relevant part of the Education (Additional Support for Learning) Scotland Act 2004 (as amended);
- Why independent adjudication is being applied for and a summary of the circumstances that led to the disagreement;
- A copy of any advice, information or request relevant to the subject matter of the dispute and a copy of any decision of the education authority which the applicant wishes the education authority and the independent adjudicator to take account of in considering the application;
- The views of the applicant as to how the dispute could be resolved and
- Where known to the applicant, any views expressed by the child regarding the dispute.

⁴¹ Enquire: [Independent Adjudication](#)

A supporter, advocate or member of a voluntary organisation may help the parent, eligible child or young person to complete the application.

The application should be addressed to the Scottish Ministers at the following address:

The Scottish Ministers
Support and Wellbeing Unit
Area 2 C South
Victoria Quay
Edinburgh
EH6 6QQ

Advice from Enquire: [Parents/carers](#)

Dispute Resolution is normally a paper exercise, and the adjudicator will reach a decision based on reports and papers provided by the parent or young person and East Lothian Council. In exceptional circumstances the adjudicator may decide there is the need for a meeting.

The Scottish Ministers expect that both sides will accept any recommendation made by the independent adjudicator, although neither side have to do this. We intend to accept all recommendations – unless there are exceptional circumstances which at this time we are unable to predict.

The Local Authority's decision to the adjudicator cannot be appealed.

Dispute resolution does not cover:

- Disagreements relating to a coordinated support plan. These can be taken to the Additional Support Needs Tribunal
- Disagreements relating to the refusal of a placing request for a particular nursery or school. These can be taken to the additional support needs jurisdiction within the Health and Education Chamber of the First-tier Tribunal for Scotland (“The Additional Support Needs Tribunal - Enquire”)
- Disagreements relating to exclusions. These can be taken to East Lothian Council's Appeal Committee

- Disagreements about the general conduct of the Education Authority which go beyond additional support needs – for example allegations of failing to meet all a child’s educational needs including those which have nothing to do with their need for additional support, or allegations of incompetence against a member of our staff. Some disagreements of this kind can be taken to the Scottish Ministers under the terms of Section 70 of the Education (Scotland) Act 1980 or to the Scottish Public Services Ombudsman

11.9 Health And Education Chamber Of The First-Tier Tribunal For Scotland

The full name of the Additional Support Needs Tribunal is 'the Additional Support Needs jurisdiction of the Health and Education Chamber of the First-tier Tribunal for Scotland.'

(It is often referred to as an ASN Tribunal.)

[About Us: Health and Education Chamber: First -tier Tribunal for Scotland](#)

The additional support needs jurisdiction within the Health and Education Chamber of the First-tier Tribunal for Scotland considers two types of references (appeals) from parents and young people against the decisions of Local Authorities regarding the provision of educational support under the ASL (2004) Act and claims in respect to the Equality Act (2010).

Young people aged between 12 and 15 years who have capacity to make a reference (and where their wellbeing will not be adversely affected) can make two types of references, regarding a CSP or the education authority's assessment of their capacity or wellbeing.

Typically, a reference to the Health and Education Chamber of the First-tier Tribunal for Scotland would involve one or more of the following:

- A decision about a Co-ordinated Support Plan (CSP).
- Refusal of a placing request for a specialist provision.
- A placing request for a mainstream school, where the child has a CSP (or is being considered for one).
- Decisions about whether children aged 12-15 can use their rights
- The transition process from school to post-school provision

The key features of the additional support needs jurisdiction within Health and Education Chamber of the First-tier Tribunal for Scotland are:

- It is made up of three people – a Chairperson who has legal training and two members who have expertise in additional support needs.
- It will take evidence on everything to do with the disagreement.
- There will normally be a hearing where the East Lothian Council and the parent(s)* or young person get to speak to the tribunal and explain their views.

- The jurisdiction will make a decision which both sides must accept – unless the parent or young person or the East Lothian Council believe there has been a mistake in interpreting the law. They then have the right to appeal the decision to the Court of Session.
- There is no right of appeal against the tribunal’s decision on what the facts of the case are.

**Parents may bring a supporter or advocate to the Tribunal hearing. (See [Supporters and Advocacy for advice on free advocacy services.](#))*

Regarding the Equality Act 2010, the jurisdiction can hear claims of alleged disability discrimination when this happens in an education setting in Scotland. Under the Equality Act 2010 it is unlawful for a school to discriminate against a disabled applicant or pupil in relation to:

- admissions
- the provision of education
- access to any benefit, facility or service (this and provision of education covers all aspects of school life and the teaching of disabled pupils)
- exclusions
- any other detriment

The Education Authority has a duty to make reasonable adjustments to children and young people from being discriminated against.

A parent or young person who wants to resolve a disagreement at the jurisdiction can request this by contacting the Service Manager for additional support needs or by contacting the Tribunal directly.

The contact details for the jurisdiction are:

**Health and Education Chamber
First-tier Tribunal for Scotland**

Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Tel: 0141 302 5860

Email: ASNtribunal@scotcourtribunals.gov.uk

Website: <https://www.healthandeducationchamber.scot/>

The Health and Education Chamber, First-tier Tribunal for Scotland have produced guidance on how to make a reference for:

- Children and Young People: [Needs to Learn](#)
- [Parents and Education Staff](#)

11.9.1 Free Advocacy Service

[Let's Talk ASN](#)⁴² is a free advocacy service for parents and young people with additional support needs who may require support in relation to a dispute with a Local Authority. The Service can be used by anyone who has the right to make a reference to the Health and Education Chamber of the First-tier Tribunal for Scotland.

The contact details for this advocacy service are:

Let's Talk ASN
c/o Govan Law Centre
18–20 Orkney Street
GLASGOW
G51 2BZ

Tel: 0141 445 1955
Email: letstalkasn@edlaw.org.uk
Website: <https://govanlawcentre.org/education-law-unit>

The advocacy service Let's Talk ASN is not available to the parent or young person in such a case of a complaint about alleged discrimination. However, the parent or young person can apply for legal aid.

The contact details for the Scottish Legal Aid Board are:

Scottish Legal Aid Board
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Tel: 0131 226 7061
E-mail: general@slab.org.uk
Website: www.slab.org.uk

⁴² <https://enquire.org.uk/service/lets-talk-asn-national-advocacy-service-for-additional-support-needs/>

11.9.2 Tribunals and Dispute Resolution:

“The Act and Regulations relating to dispute resolution broadly cover matters which are outside the Tribunal's remit. These are principally cases in which the child or young person has additional support needs but does not require a co-ordinated support plan. Dispute resolution arrangements are not intended for matters which are within the jurisdiction of the Tribunal.

“However, the use of dispute resolution procedures does not in any way affect the parents,' eligible child's or young person's entitlement to take a matter to the Tribunal. Where a child's or young person's circumstances change such that they fall within the remit of the Tribunal, previous discussions held as part of the process of dispute resolution are to be treated in confidence unless otherwise agreed. However, the outcome of previous dispute resolution may be relevant to the Tribunal and may be brought to the attention of the Tribunal”⁴³

11.9.3 Tribunals and mediation

The use of mediation will not in any way affect the parent's entitlement to take a matter to the Tribunal. Discussions held at mediation will be held in confidence and not share by the Education Authority unless otherwise agreed.

11.9.4 Further Recourse

“Exceptionally, there may be a few cases where any interested person or otherwise will seek recourse elsewhere in certain circumstances. This includes the right to refer alleged failings to carry out a statutory education duty to Scottish Ministers under section 70 of the Education (Scotland) Act 1980. Section 70 gives a discretionary power for Scottish Ministers to intervene where they are satisfied that an education authority or others have failed to discharge any duty imposed on them by education legislation.”⁴⁴

Guidance regarding a complaint under [Section 70 of the Education \(Scotland\) Act 1980](#)

⁴³ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 Chapter 8, Sections 48 & 49

⁴⁴ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, Chapter8, section 53.

5

Section 5: Professional Learning

The system must be fit for the profile of Children and Young People as they are now and are projected for the future, not as they were in the past. Therefore, workforce planning must anticipate the values, skills and knowledge needed for the 30.9% Children and Young People in Scotland's schools with an additional support need. We need the whole workforce to expect to be part of a system that supports the learning of all Children and Young People. The distribution of the 30.9% will be variable; - especially where factors associated with poverty and inequality provision underpin or exacerbate other conditions, but the whole system must have the capacity and the will to be fully inclusive.

Support for Learning: All our Children and All their Potential June 2020

To meet [GTCS standards](#) or [SSSC code of practice](#), all practitioners must have a functional understanding of GIRFEC and what that means in terms of their practice.

11.10 National Resources

11.10.1.1 Scottish Social Service Council

[Building confidence in identifying and responding to additional support needs](#)

Module Six includes a range of topics such as policy and legislation, understanding additional support for learning and creating an inclusive environment. (Successful completion counts towards SSSC's CPL requirements.)

11.10.1.2 GTCS

In the Professional Standards for Teachers 2021, there is specific recognition of Additional Support Needs.

[Meeting the Needs of Learners](#)

A summary of the Professional Standards where Additional Support Needs is specifically referenced.

11.10.1.3 Education Scotland

"The [Inclusion, Wellbeing and Equalities Professional Learning Framework](#) supports anyone working with Children and Young People in an educational context."⁴⁵

[Inclusion, Wellbeing and Equalities Framework for Professional Learning.](#)

Informed Level

The Inclusive Scottish Context

Introduction to planning for learning with Additional Support needs

Supporting Transitions

[The UNCRC](#)

What is Trauma

Enhanced Level

Professional learning activities in this level are appropriate for staff who support children and young people who require targeted support, for example with severe and complex needs or complexity of need. They may also be appropriate for learners receiving skilled level of support.

⁴⁵ Inclusion, Wellbeing and Equalities Professional Learning Framework

[Access range of range of activities and resources.](#)

11.10.1.4 National Health Service: Education for Scotland

Practitioners can create an account which provides access to relevant resources including:
GIRFEC e-Learning modules designed for anyone working with Children and Young People.

11.11 East Lothian Council

Professional learning related to Additional Support Needs and Equalities legislation and the Children and Young People Act is available to all members of the school community.

A range of opportunities are shared via the [Professional Learning](#) tab of EduHub. This includes a regularly updated [calendar of events](#).

East Lothian has an active [GIRFEC website](#) which supports practitioners in all areas of education to support effective collaboration with other agencies, and meet the needs of the children in their care.

East Lothian's Learning Library, which staff can access via [EduHub](#) also hosts a range of professional learning opportunities.

Relevant professional learning is provided for classroom based support staff and they should be involved in all aspects of the Child's Planning Framework e.g. attendance at appropriate Child's Planning Meetings.

Quality Assurance and [Professional Review and Development](#) processes in each settling should determine what are the priorities for professional learning within their own context – for individual practitioners, particular cohorts or whole staff learning.

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Section 6: Appendices 1-7

Appendix 1: Duties of the Education Authority

under the Additional Support for Learning (Scotland) Act 2004 (as amended)

The Additional Support for Learning (Scotland) Act 2004 (as amended) confers various functions and imposes duties on education authorities in connection with the provision of school education for Children and Young People with additional support needs belonging to their area. Education authorities must:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions
- make arrangements to identify additional support needs
- keep under consideration the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person
- provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age) belonging to their area who have been brought to the attention of the authority as having additional support needs arising from their disability
- presume that all looked after Children and Young People have additional support needs unless the authority determine that they do not require additional support to enable them to benefit from school education
- presume that all looked after Children and Young People require a coordinated support plan unless the authority determine that they do not meet the requirements for having one
- publish, review and update, as necessary, specified information about their policy and arrangements in relation to provision for identifying, addressing and keeping under consideration such provision for each child or young person with additional support needs for whose school education the authority are responsible
- provide parents of children with additional support needs (eligible Children and Young People with additional support needs), for whose school education the education authority are responsible with all of the information they are required to publish under the Act
- ensure that a summary of the information published under the Act is available, on request, from each place in the authority's area where school education is provided, regardless of whether the school is under the management of the education authority
- provide the above summary in any handbook or other publications provided by any school in the authority's area or by the authority for the purposes of providing general information about the school or, as the case may be, the services provided by the authority, and on any website maintained by any such school or the authority for that purpose
- assess the capacity and impact on wellbeing of a child over the age of 12 years to be able to

exercise their rights in respect of additional support for learning, where a child of this age seeks to exercise any right under the Act

- provide those children or young people who need one with a coordinated support plan and keep this plan under regular review
- provide independent and free mediation services for those parents and young people who want to use such services and publish information on these services
- have in place arrangements for resolving disputes
- at least 12 months prior to the expected school leaving date, request and take account of information and advice from appropriate agencies likely to make provision for the child or young person when he or she leaves school
- no later than 6 months before the child or young person is expected to leave school provide information to whichever appropriate agency or agencies, as the authority think appropriate, may be responsible for supporting the young person once he or she leaves school, if the child (where the child has attained the age of 12 and has capacity), child's parent or young person agrees.⁴⁶

Appendix 2: Glossary

A glossary of terms and acronyms used within this document can be found pp180-184 [Supporting Children's Learning: Statutory Guidance on the Education \(Additional Support for Learning\) Scotland Act 2004 \(as amended\) Code of Practice \(Third Edition\) 2017](#)

⁴⁶ <https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/pages/2/>

Appendix 3: Procedure following request for assessment



Appendix 4: Safeguards: Guide to Assessing for Capacity and Wellbeing

Children who have attained 12 years of age who are in school education now have rights in respect of additional support for learning in their own regard.

The new rights for children are conditional on their having capacity which is defined broadly as “sufficient maturity and understanding.

Who undertakes the assessment of capacity?

Education authority staff including teachers are best placed to decide on a child’s capacity as they work with and know the child well. They will, as a result of their skills, experience and understanding of the needs of the child, be able to consider and provide evidence as to whether or not a child has capacity in relation to the specific rights that the child is proposing to use.

Key Considerations and Questions:

Does the child have sufficient maturity and understanding to carry out an action (i.e. use the right)?

Where that particular right is in relation to making a decision – does the child have sufficient maturity and understanding to

- make the decision
- communicate the decision
- understand the decision and its implications for themselves, and
- retain the memory of the decision. *

In relation to rights relating to advice and information, or a co-ordinated support plan, does the child have has sufficient maturity and understanding to understand the information, advice or plan?

In relation to rights to express their views does the child have sufficient maturity and understanding to express the view?

Only the relevant questions need to be used. “In almost all instances, those working with the child, e.g. the class teacher, pastoral care staff or support teacher, will have sufficient robust evidence to assess the child’s maturity and understanding to exercise a particular right in context, and to inform the process of decision making. It is not intended that this should be a bureaucratic exercise.”⁴⁷

*A child or young person should not be treated as lacking capacity because of a communication need which can be overcome by human, electronic or mechanical aid (whether of an interpretive nature or otherwise).

Children’s maturity and understanding will change and/or progress over time and education authorities will take account of such changes towards capacity and adverse impact on wellbeing as children make further progress within Curriculum for Excellence.

Impact on wellbeing

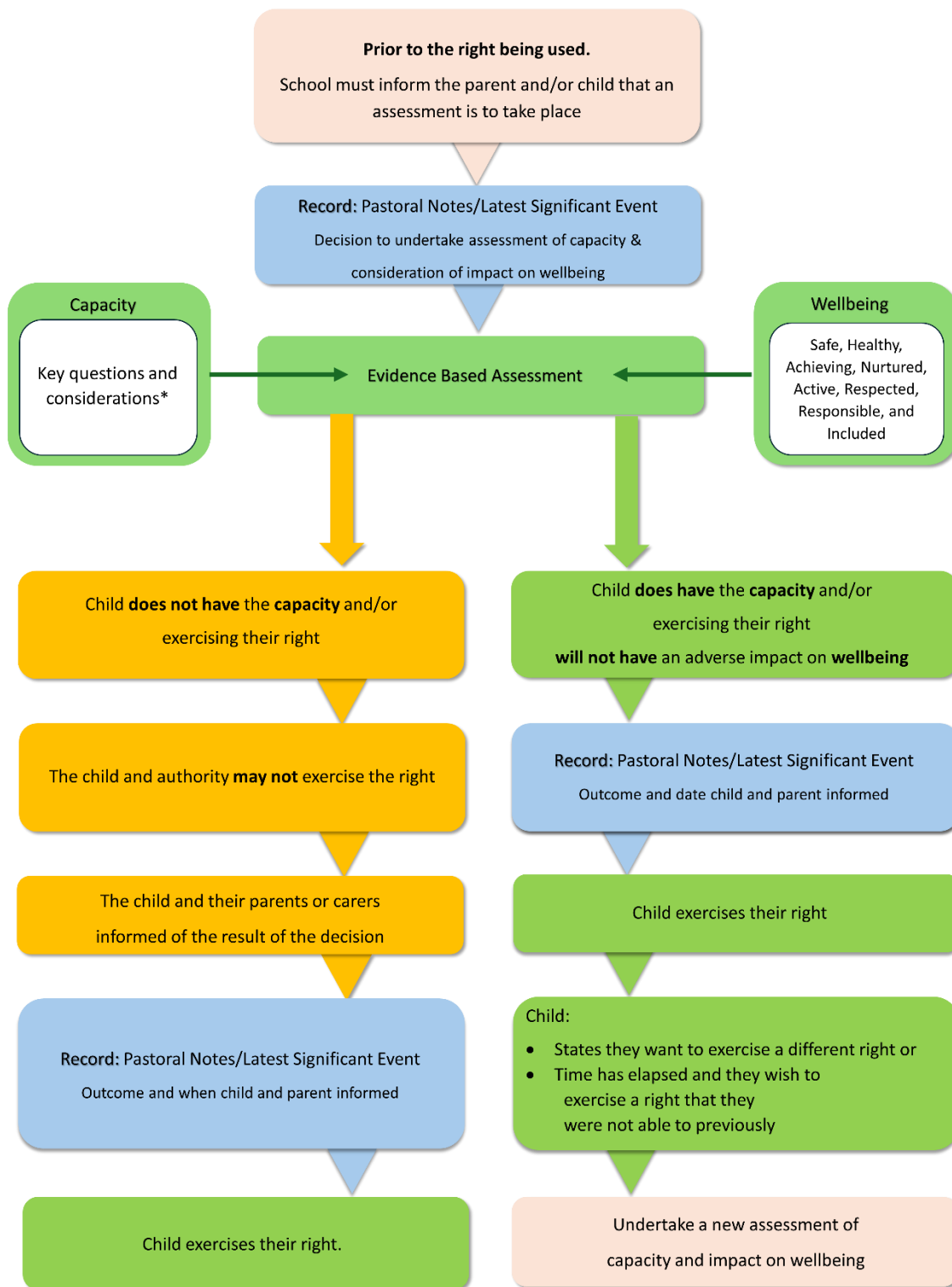
The child’s wellbeing is as defined by the wellbeing indicators in Getting It Right for Every Child and focuses on the child being Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included. The impact on child’s wellbeing will be considered in terms of the indicators as and may be informed by the progress within the experiences and outcomes within Curriculum for Excellence’s Health and Wellbeing.

There is no requirement to consider whether there may be adverse impact on wellbeing in relation to young people aged 16 or over.

In the circumstances where the child or their parents does not agree with the outcome of these considerations, they may refer this to the Tribunal for consideration.

⁴⁷ Adapted from: Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) Extending Children’s Rights – Guidance on the assessment of capacity and consideration of wellbeing

Procedural Overview of Assessing for Capacity and Wellbeing:



*See above

Full guidance: Chapter 2: [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(as amended\) Extending Children’s Rights Guidance for education authorities and school staff on assessment of capacity and consideration of wellbeing of children who have attained 12 years of age in respect of additional support for learning in school education](#)

Further information: [Enquire: Rights of children aged 12-15](#)

Appendix 5: Links to Legislation and Local/National Guidance

Legislation

- [The Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)
- [The Education \(Additional Support for Learning\) \(Scotland\) Act 2009 amendment](#)
- [The Children \(Scotland\) Act 1995](#)
- [The Standards in Scotland's Schools etc. \(Scotland\) Act 2000](#)
- [The Education \(Disability Strategies and Pupil Records\) \(Scotland\) Act 2002](#)
- [The Equality Act \(2010\)](#)
- [The Children and Young People Act \(Scotland\) \(2014\)](#)
- [The Carers \(Scotland\) Act 2016](#)
- [The Education \(Scotland\) Act 1980](#)
- [The Education \(Scotland\) Act 2016](#)

National Guidelines and Practice Documents

- [Supporting Children's Learning: Code of Practice \(third edition\) 2017](#) explains the duties placed on Education Authorities and other agencies to support Children and Young People's learning. It provides guidance on the ASL Act's provisions as well as on the supporting framework of secondary legislation.
- The [National Improvement Framework for Scottish Education](#) sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework, part of the Education (Scotland) Act 2016, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.
- The [Curriculum for Excellence](#) aims to provide a coherent, more flexible curriculum for all Children and Young People aged 3-18 years. The curriculum comprises the totality of experiences which are planned for Children and Young People wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- [National Framework for Inclusion 3rd Edition](#), Scottish Universities Inclusion Group. Guidance for teachers on inclusive practice.

- The [UN Convention on the Rights of the Child](#) or UNCRC, is the most complete statement of children’s rights ever produced and is the most widely-ratified international human rights treaty in history.
- [Getting it right for every child Policy Statement – 2022](#) is the Scottish Government’s commitment to provide all children, young people and their families with the right support at the right time - so that every child and young person in Scotland can reach their full potential.

East Lothian Council Policy, Guidance and Practice Documents

- [Child’s Planning Framework guidance](#)
- [Guidelines for the Management of Pupils with Healthcare Needs](#)
- [Included Engaged and Involved: Education Resource Group \(ERG\), Early Years Education Resource Group \(EY ERG\) and Specialist Provision Guidance](#)
- [Included, Engaged & Involved: Equity & Inclusion - Education Outreach Team Practice Guidelines, September](#)
- [**Included Engaged & Involved: Inclusion, Equality and Accessibility for All**](#)
- [A Positive Approach to Preventing and Managing School Exclusions](#)
- [A Relationships and Rights-based Approach to Physical Intervention in Schools](#)
- [East Lothian Health and Social Care Partnership Carers Eligibility Criteria Policy and Procedure](#)

Appendix 6: Inclusion Ambassadors: Some advice

The Young Ambassadors for Inclusion are young people with Additional Support Needs who have been nominated by their local authority to join a network which provides an opportunity for them to share their views and experiences of Scottish education.

The table below outlines the advice these young people offer regarding the best way to involve and hear the views of Children and Young People when planning a meeting.

	What does work	What does not work
Before	<ul style="list-style-type: none"> options: Ask for views/giving of views before the meeting receive information before meetings knowing what is going to happen -preparation for questions knowing who is going to be there photos, videos or visiting the room beforehand 	<ul style="list-style-type: none"> mixed experience of views gathered before the meeting do not always understand why we are meeting
During	<ul style="list-style-type: none"> less formal and comfortable sitting colourful it is important we are able to attend if our views are written down or captured, if we don't want to be there at the meeting do not have to attend the whole time-can I attend as much as I want to if someone could come with you to meetings someone who can help explain the questions 	<ul style="list-style-type: none"> formal speaking boring colour the rooms we meet in are not always good - not child centred or friendly feel pressurised to attend not really being included - adults can take over the meeting only attend the last 10 minutes too many people there
After	<ul style="list-style-type: none"> good advice-easy to follow 	<ul style="list-style-type: none">
General	<ul style="list-style-type: none"> friendly speaking prefer talking to people they know choice time out space feel like we are treated like an age-appropriate person when kids get to get their own point across 1 to 1 interview when confidence is built up understanding views staff try and support us tranquillity 	<ul style="list-style-type: none"> fair settings don't like to talk to people unknown people patronising when there is a lot of talking /too much talk misunderstanding adults don't always listen timing

Appendix 7: Good practice in communicating with parents

Education authorities should take account of the following good practice points when working with parents.

Professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child
- consider the child's strengths as well as additional support needs
- recognise the personal and emotional investment of parents and be aware of their feelings
- ensure that parents understand procedures, are aware of how to access support and are given documents to be discussed well in advance of meetings
- respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints
- cater for the differing needs parents may have, such as those arising from a disability, or communication and linguistic barriers. Information should be:
 - clear and understandable and avoid jargon
 - provided easily in accessible formats
 - readily available and provided automatically without a charge and without a fuss.

Communication works well when:

- people have the interpreters they need
- someone in authority takes responsibility for keeping parents up to date
- people are told what has been happening between meetings
- any information provided by parents is acknowledged
- formal references to statutory procedures are avoided.

Effective working relationships develop when:

- contact with parents is sensitive, positive, helpful and regular
- parents feel included and are encouraged to contribute to discussions
- positive, clear and easily understood language is used
- parents are involved and processes and roles are explained from the beginning
- parents are told what to expect and the next steps
- times of meeting take account of parents' availability.

Meetings work best when:

- parents are asked what times and places suit them best, taking account of any access need or family responsibilities
- notes from meetings, and any papers to be considered, are sent out in good time
- parents are invited to add points to the agenda, at the same time as everyone else
- people attending are aware of their roles and the roles of others and they understand the child's or young person's additional support needs
- there are no hidden issues, and no last-minute surprises
- decisions are made when parents are at the meeting, or agreed with them
- before meeting takes place, not after the meeting has closed, unless further consultation takes place with them
- ample time is given to allow people time to raise concerns, so that decisions are not rushed.

Identifying the way forward works well when:

- all views are taken on board – including those of the child or young person
- people are interested in learning from each other
- people show an interest in general family priorities and take them on board
- services are identified in agreement with the family and are responsive to individual needs.

Accountability and involvement:

- who is responsible for what is clearly defined and understood
- parent's concerns are responded to quickly
- decisions are open to scrutiny
- parents have a clear point of contact who can answer questions, make decisions and ensure that agreed actions are taken
- people do what they agreed within the timescale committed to – if a decision is likely to take time, parents are told and given some idea of when a decision is likely.⁴⁸

Appendix 7: License Agreements:

Extracts and quotes from Scottish Government

Licence agreement: <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

⁴⁸ Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017, s7(43).