

The Scottish Executive, November 2004

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

Consultation on draft Code of Practice, draft Policy  
Papers and draft Associated Regulations

Response Booklet

Response from CALL Centre

## **Other Appropriate Agencies Additional Support Needs- 03**

The Act specifies NHS Boards and social work services as other appropriate agencies. The Policy paper Additional Support Needs 03 sets out proposals for additional agencies to be added to the appropriate agency list (s 23 (2)). The paper also sets out proposals for timescales for agencies to respond to requests for help a so sets out proposals for timescales for agencies to respond to requests from an education authority. The paper asks:

### **1. What are your views on the voluntary sector being specified as an appropriate agency?**

The term 'voluntary sector' is too wide, covering organisations that offer both direct or indirect services, sometimes both. Any approach to an organisation within the voluntary sector to become an appropriate agency should be considered on its own merits. If in agreement then it should be included in the list of appropriate agencies.

### **2. Are there any other organisations which should be considered? If so, why?**

No.

### **3. Are there any other agencies which might be in a position to provide information to education authorities to help them with establishing whether a child or young person has additional support needs, or additional support needs requiring a Co-ordinated Support Plan?**

Rather than identifying specific agencies the duty should be on education authorities to identify agencies that are relevant to individual circumstances. The Act already allows for this interpretation within the general duty on the education authority to identify and address the child's support needs.

### **4. Are there any other agencies which should be identified who may be able to provide information on the occurrence of certain events?**

See response to Q.3 above.

### **5. Are there any other agencies which could help in the exercise of functions under the Act?**

See response to Q.3 above.

### **6. Is the time limit suggested for other agencies to comply with requests for help realistic? If not, what would be more realistic?**

The Code should emphasise that, where time limits cannot be met communication continues to take place so that families, education authorities and others involved are aware of progress. The Code can helpfully refer to guidelines on involvement which cover points on effective communication with parents.

**7. What are your views on the time limit exceptions?**

The time limit exceptions should be in keeping with those specified in para. 7 of Statutory Instruments The Education (Co-ordinated Support Plan) Regulations. In place of 'education authority', substitute 'other appropriate agency'.

**8. Are there any other situations where it could be impracticable to comply within 6 weeks?**

In line with national guidance on response times operated by speech and language therapists, we suggest an 8 week response time rather than 6 weeks.

## **Co-ordinated Support Plan Regulations Additional Support Needs- 04**

The Regulations set out the proposed form and content of the CSP, the time limits to be complied with in preparing and reviewing the CSP, the keeping, the transfer, the disclosure and discontinuance of the CSP. The paper asks:

### **1. Do you think the 12 week time limit is realistic and achievable for a) preparing a CSP, and b) reviewing the CSP? If not, what would be more realistic?**

a) The timescale is ambitious but it is helpful to focus thinking.

b) We foresee a logistical difficulty with the 12 week timescale for reviewing a CSP. After completion of the first CSP the first review will commence 12 months hence i.e. 12 months+12 weeks from the date the first CSP is completed. The second review will be due 24 months+24 weeks after, and so on.

Practical difficulties then arise. First, it will not be possible to pick a date for completion of CSPs that can be kept to year on year. Second, frequent interruptions of review dates due to holidays will make timetabling difficult and increase exceptions to imposed time limits.

### **2. Are there any other grounds of impracticability which should be included?**

The exceptions listed in para. 7 of the Statutory Instrument are helpful.

### **3. Should the Regulations specify a further time limit if the 12 week one cannot be complied with? If so, what timescale should be set?**

No. Any cause for delay is unlikely to be within the authority's control. Communication with all parties will help to ensure that actions that can be taken are taken while the reasons for delay are overcome.

### **4. Is the 4 week timescale for the transfer of the CSP to another authority reasonable? If not, why and what would be reasonable?**

Yes.

### **5. Are there any other people or organisations which should be added to the list of people to whom the CSP can be disclosed without permission?**

The co-ordinator. Also in certain child protection situations disclosure of CSP contents to others may be appropriate.

We had understood the CSP was to be a working document and accessible by those working with the child.

### **Additional comment on [s7(3)] of Regulations 'Time Limit Exception'**

"The date established in paragraph (2)(a) must be not exceed..." delete 'be'.

**Additional comment on [s10(1)(h)] of Regulations ‘Disclosure’**

The provisions for educational research use should include a statement along the lines of “subject to appropriate ethical guidelines being followed”.

“...undertakes not to publish anything contained in ,” delete space.

**6. Are the proposals for discontinuance, preservation and destruction of the CSP reasonable? If not, can you suggest an alternative?**

Yes. The Code may wish to note that the parents or young person have the option to change their mind and have the document destroyed.

**7. How user friendly is the CSP template?**

**8. Do you think that the CSP will be easily understood used readily by everyone involved? If not what suggestions for improvements are there?**

We deal with both of these questions together. Our comments are in brief bullet point style as we expect that the Executive will have received other comments on the CSP template.

- Delete reference to membership of the Armed Forces.
- Include social work contact details later together with other contact information.
- Profile: Either in this box or in the next box (Factors giving rise...) could use the Educational / Additional Support Needs Matrix framework. This would help identify a pathway from support needs and their extent (using the other columns for levels of need.

<b>Support needs relating to:</b>				
Physical environment				
Curriculum and how it is delivered				
Level of pupil support required				
Access to specialised resources, facilities and technologies				
Access to specialised support agency(ies)				
Mode of communication				

- In the CSP template, the three columns titled 'Learning Plan' would pick up from the ASN Matrix. Present the three columns of 'Learning Plan' in rows rather than columns. When doing so, rename 'Educational Objectives' to 'Implications for Learning & Teaching'. Include here the measures proposed to address the support needs identified in the ASN Matrix. This should act as a bridge between a child's IEP and the ASN Matrix.
- Delete 'Education Authority' from 'Education Authority Contact Points'. The change in title highlights the fact that the co-ordinator can be appointed from another agency
- The descriptions used in the boxes referring to co-ordinator and contact person should be the same as those used in the descriptions given in the Draft Code. (See our response to the Draft Code for a fuller explanation.)

**9. How do you see the CSP, particularly the information contained in the Learning Plan, fitting with existing planning mechanisms?**

See comments on the Draft Code in relation to the relationship between PLP, IEP and CSP; also in relation to other planning documents.

**10. Is there any other information you think should be included in the CSP?**

Space to include "Parents or young person agreeing to information being shared".

## **Changes in School Education Regulations in School Education Regulations Additional Support Needs-05**

The draft Changes in School Education Regulations make provision to require certain action to be taken by education authorities when a child or young person, with additional support needs and for whose education they are responsible, is or is likely to have a specified change in their school education.

### **1. What are your views on the definition of a change in school education and circumstances that may arise?**

Appropriate.

### **2. Are there any others which need to be included?**

[s(3)(f)] provides for any other circumstances giving rise to change in school education. Nonetheless it may be helpful to add circumstances where the child is educated in a school in an out of authority placement. Insert after 3(d):

(e) “where a child or young person is transferred by the education authority to a school in another local authority but continue to be responsible for the school education of the child”

### **3. What are your views on the timescales both for seeking and providing information?**

Appropriate. As mentioned in our response to Paper 03 Q.6 and to Paper 04 Q.3 above, communication among all parties will help to ensure that actions that can be taken are taken where exceptions to the time limits arise.

### **4. Can the timescales be applied to all changes in school education allowed for in the Regulations? Particularly in relation to children about to enter pre-school (those aged 3 and 4)?**

We foresee difficulties in achieving timescales for pre-school aged children. Again communication about actions taken will help to overcome difficulties with timescales.

## **Dispute resolution      Additional Support Needs-06**

Policy paper Additional Support Needs Policy paper Additional Support Needs -06 sets out proposals for a dispute resolution model aimed at resolving disputes, regarding any of the functions of the authority under the Act, which arise, between the authority and any parents or young people in the local authority area. The paper asks:

### **1. What are your views on the proposed dispute resolution model?**

The single tier model is preferable. The Code should emphasise that authorities be aware of and apply the guidelines on involvement. We suggest changes to:

Para. 15 & 16

Reference should be included to Annex D on guidelines for involving parents making it clear to authorities the need to involve parents fully.

Also refer to the use of supporters and advocates.

Annex A flow chart box text titled 'Prevent Disputes'

Include reference to Section 4 and Annex D of Draft Code (though as we note in our response to the Draft Code, we would prefer to see guidelines on involving parents included in the main text of the Code.

Additional comment Para. 6

Specify 'home authority' rather than just 'authority' as some children will be on out of authority placement.

Additional comment Para. 7

The term 'parent's is defined in Paper 06 here but not in Papers 03, 04, 05 or 07. For consistency the definition should be included in all or none. It is defined in the Draft Code and could be included in the glossary also.

### **2. What are your views on who should be external independent adjudicators and how should the process operate?**

The suggestions on external adjudicators are appropriate. It is a concern that the emphasis on adjudication as a paper process will lead to defensive record keeping and use of formal, though often inappropriate standardised assessment instruments.

Additional comment Para. 18

The Act notes that mediation does not need to precede dispute resolution.

### **3. What are your views on a maximum timeframe of 8 weeks? If you do not think this is appropriate, what other timescale would you suggest?**

The 8 week timeframe will help achieve quick resolution.

## **Publication of information    Additional Support Needs-07**

Policy paper Additional Support Needs -07 invites comments on guidance around issues on which authorities must publish information in respect of additional support needs.

It asks:

### **1. Are there matters, other than those in the policy paper, on which you think authorities should publish information? Your views on this would be welcome.**

Information about role of co-ordinators.

### **2. Is a 3 month timescale from commencement of the Act realistic for publishing information? What are your views on the annual review timescale? Would a specific date be better?**

It would help education authorities to comply with timescales if SEED could provide up-to-date information on national organisations and resources to all authorities.

### **3. Are there any other alternative forms that could usefully be added to the list?**

Para. 12

It may be appropriate to refer, perhaps in the margin, to Disability Discrimination Act 1995; Special Educational Needs and Disability Act 2001; Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

Replace:

- On audio tape with
- On audio tape or other appropriate sound formats

This will help anticipate emerging technologies such as MP3, DAISY and other digital sound formats.

Para 13. The paragraph confuses racial discrimination with publication of information in community languages.