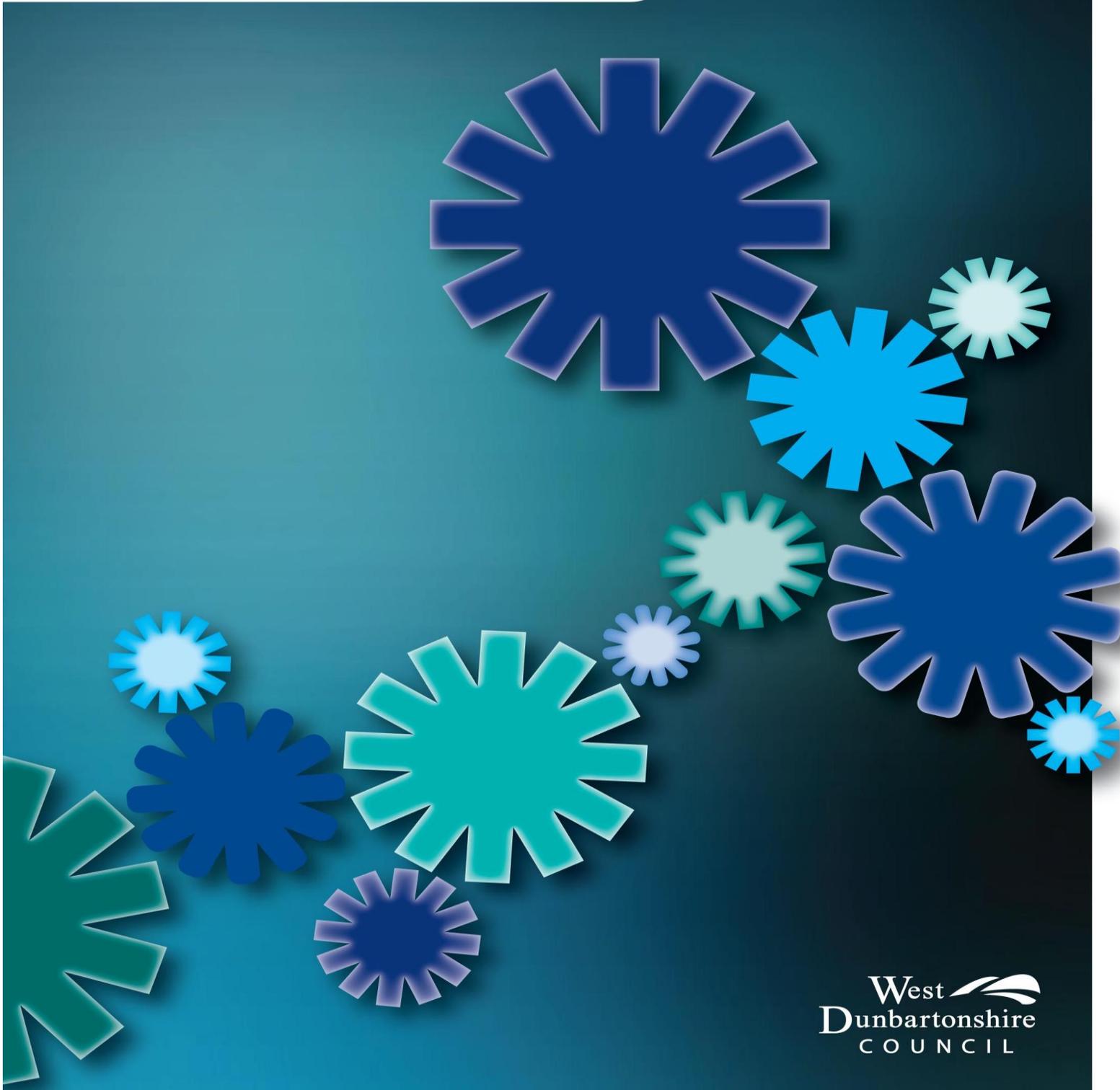


EDUCATIONAL SERVICES

A guide to:
Getting Help and Resolving
Disagreements: Additional Support
Needs Tribunal for Scotland

Amended December 2015



A guide to: Getting Help and Resolving Disagreements: Additional Support Needs Tribunal for Scotland

Arrangements for resolving disagreements

The Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009 create arrangements for resolving disagreements.

If you have a dispute:

- Talk to staff at your child's school, and/or
- Talk to an officer of West Dunbartonshire Educational Services for advice and options.

In exceptional circumstances where it has not been possible for an agreement to be reached, parents have 3 alternatives.

- Mediation (see separate information sheet).
- Dispute Resolution (see separate information sheet).
- Education authority appeal committees – for disputes other than additional support needs, and /or
- Additional Support Needs Tribunal for Scotland – for disputes concerning co-ordinated support plans and/or certain Placing Requests.

This leaflet tells you how the Additional Support Needs Tribunal for Scotland works.

What does the Tribunal do?

The Tribunal hear and decide appeals, called references, made by parents and young people against the decisions of Scottish Education Authorities about co-ordinated support plans.

What is a Tribunal Hearing?

At a Tribunal hearing there are 3 people and one of them is a lawyer. The lawyer will be the Tribunal convener - that is the person in charge of the hearing. The two other people know about learning support and education. The 3 people at the Tribunal will ask questions of the parent or young person and will listen to what they say. They will also ask questions and listen to the Education Authority and any other people at the Tribunal. They will clarify what the disagreement is about and make a decision as to what should happen.

What issues can you refer to the Tribunals?

The Tribunals cannot make decisions on all matters relating to children and young people's additional support needs; they can only deal with references that relate to co-ordinated support plans and certain placing requests.

You can make a reference if there is a dispute about getting a co-ordinated support plan. The Tribunal will listen to your case if:

- You have asked the authority to see if your child has additional support needs that would entitle them to a co-ordinated support plan and they have not replied.
- The Education Authority has said that your child needs a co-ordinated support plan but one has not been drawn up within 16 weeks of that decision.
- The authority has said that your child needs a co-ordinated support plan and you disagree.
- The authority has said that your child does not need a co-ordinated support plan and you disagree, and/or
- You get a letter from the authority saying your placing request to a Scottish Special School has been refused and your child has additional support needs.

You can make a reference if there are disputes about what a co-ordinated support plan says or how it is reviewed. The tribunal will listen to your case if:

- You do not agree with the information in the co-ordinated support plan.
- The authority has reviewed your child's plan and says he or she no longer needs one and you disagree.
- The authority has reviewed your child's plan and says that he or she still needs one and you disagree.
- Your child has a co-ordinated support plan but it has not been reviewed for more than a year.
- Your child has a co-ordinated support plan and the authority has started to review it but is taking longer than 12 weeks to finish this review, and/or
- Your child has a co-ordinated support plan and you have written to the authority to ask for an early review of the plan because there have been big changes in your child's life and the authority has said no.

You can make a reference if there are disputes about a placing request. The tribunal will listen to your case if:

- You get a letter from the authority saying your placing request has been refused, or
- The authority does not reply to your letter about the placing request for 2 months or more, and
- Your child has a co-ordinated support plan or a co-ordinated support plan is being written for your child.
- You have already made a reference because the authority has refused your child a co-ordinated support plan, or
- You receive a letter from the authority saying your placing request to a Scottish Special School has been refused and your child has additional support needs.

Where do I get support for when make a reference?

Section 10 of the Education (Additional Support for Learning) (Scotland) Act 2009 places a legal duty on the Scottish Government to provide an advocacy service to parents and young people following a reference being made to the Additional Support Needs Tribunal for Scotland (ASNTS). The advocacy service should provide support for parents and young people from the time they have grounds to make a reference to ASNTS. The Service is available on request and is free of charge, for further information on advocacy contact:

- Children in Scotland: Working for Children and Their Families, trading as Enquire – the Scottish National Advice Service for Additional Support, please contact 0845 123 2303 or www.childreninscotland.org.uk
- The Scottish Independent Advocacy Alliance Ltd, please contact 0131 260 5380 or www.siaa.org.uk

What is a placing request?

A placing request is when you write to the authority and ask if your child can go to a school that is not his or her local school.

How do I make a reference?

A booklet titled Additional Support Needs Tribunals for Scotland explains how to make a reference and everything else you need to know. A copy can be obtained from:

**Additional Support Needs Tribunal for Scotland, Europa Building, 450
Argyll Street, Glasgow G2 8LH
Telephone: 0141 302 5860
asntsadmin@scotcourtribunals.gov.uk**

It is clearly in the best interests of the child for any disagreements to be sorted out as quickly as possible between the people who know them

best. So do try and talk to your child's school and/or education officer in your local authority if you have any concerns.

Further information can be obtained from

Enquire

www.enquire.org.uk

Scottish Government

www.scotland.gov.uk/Topics/Education

Learning and Teaching Scotland

www.ltscotland.org.uk/supportinglearners/additional_supportneeds/index.asp

West Dunbartonshire Council

<http://www.west-dunbarton.gov.uk/education-and-learning/additional-support-needs>

Additional Support Needs Tribunal for Scotland (ASNTS)

www.asntscotland.gov.uk

Govan Law Centre

www.edlaw.org.uk

Leaflets in this series

A guide to...

- Accessing Specialist Provision in West Dunbartonshire Council
- Additional Support Needs Legislation
- Additional Support Needs in West Dunbartonshire Council
- The Co-ordinated Support Plan (CSP)
- Dyslexia
- Getting Help and Resolving Disagreements:
 - Mediation;
 - Dispute Resolution;
 - Additional Support Needs Tribunal for Scotland (ASNTS)
- Getting it Right for Every Child (GIRFEC)
- Going to Meetings to Discuss Your Child
- Staged Intervention
- The Central Support Service
- The Pre-school Assessment Team (PreScAT)

For more information contact:

Additional Support Needs enquiries:

Chris Smith, Education Manager – Children’s Services (01389 737374)

Anne Marie MacDonald, Central Support Co-ordinator (0141 562 2492)

Pat Montgomery, Quality Improvement Officer (01389 737443)

Other formats

This document can be provided in large print, Braille, audio cassette, and can be translated into different languages.

Please contact:

Corporate Communications, Council Offices, Garshake Road, Dumbarton,
G82 3PU

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。
अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔