

additional
support needs
tribunals
for **scotland**
REFERENCE FORM



Introduction

This form is available in larger font and in other languages.

The Education (Additional Support for Learning) (Scotland) Act 2004 as amended gives parents and young people (aged 16 or 17) the right to make an appeal to the Additional Support Needs Tribunals for Scotland about certain decisions made by the Education Authority. These appeals are called references. This is your reference to Additional Support Needs Tribunals for Scotland.

Pages 9-11 of this form list the types of decision the Additional Support Needs Tribunals for Scotland can deal with.

If you are a young person making your own reference you should respond to questions about 'your child' as being questions about you.

If you are making a reference for a child or young person, the term 'parent' takes the meaning which is set out in the Children (Scotland) Act 1995. A 'parent' could include:

- a guardian;
- anyone who has care of the child or young person;
- anyone who is liable to maintain the child or young person; or
- anyone who has parental responsibilities for the child or young person.

To help us:

We need to know what decision you are making a reference about therefore you should enclose the decision letter you received. We will not expect a decision letter when your reference is about:

- the Education Authority's failure to complete a Co-ordinated Support Plan within the time allowed (you will still be waiting to hear from the authority and will not have a decision letter);

OR

- you have made a placing request on or before 15 March for your child to start at the school requested on the first day of term in the new school year but have not had a decision by 30 April;

OR

- if your placing request is for your child to start at any other time during the school year and you have not had a decision within 2 months. We are then able to infer that the authority has refused your request. This is referred to as a 'deemed refusal'.

- If the authority has failed to provide or make arrangements for the provision of additional support
- If the Education Authority has failed to comply with its duties in carrying out post school transitions

PLEASE ENCLOSE ANY DOCUMENTS YOU THINK WOULD HELP THE TRIBUNAL UNDERSTAND YOUR REFERENCE.

To help you:

- There is a guide on our website at www.asntscotland.gov.uk
- You can view a brief introductory DVD on the website at <http://www.asntscotland.gov.uk>
- If you don't have access to the internet, call our Helpline (0845 120 2906) and a copy of the guide or DVD can be sent to you.

When you have completed the form please send to:

Additional Support Needs Tribunals for Scotland
Highlander House
5th Floor
58 Waterloo Street
Glasgow
G2 7DA

Please do not delay, as a reference should be received within 2 months of the Education Authority's decision. If it has been longer than 2 months, please give as full an explanation as possible as references may be accepted beyond the normal time limit if there is good reason for the delay.

Section 1

This is a notice of reference to the Additional Support Needs Tribunals for Scotland made under section 18(1) of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended.

I am (please tick)

- a parent of a child with additional support needs
- a young person (16 or 17 years old) with additional support needs
- a parent of a young person with additional support needs who lacks capacity to make their own reference.

Contact details

A: You (parent or young person making their own reference)

Mr/Mrs/Miss/Ms/Other:

Surname:

First Name(s):

Address:

Postcode:

Telephone:

Mobile:

Fax:

Email:

I give/do not give my permission to send correspondence by fax/email.

Signature:

Where do I find the relevant legislation?

Unless otherwise stated, the sections listed are from the Education (Additional Support for Learning) (Scotland) Act 2004, as amended by the Education (Additional Support for Learning) (Scotland) Act 2009.

Section 29(2)

Section 3

Other parent (if applicable)

Name and Address:

We will not write to the other parent but in terms of this legislation they are entitled to be present at the hearing.

B: Child or young person who lacks capacity

Surname:

First Name(s):

Date of Birth:

Male/Female:

Pupil Identifier (if known):

Why does the child have additional support needs? (e.g. has a visual impairment, is a carer, is looked after, has an autistic spectrum disorder, has social emotional or behavioural difficulties).

Has there already been a reference to the Tribunals about this child?

Yes No

If Yes: Please provide the reference number (if known):

The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Regulations 2006.

Reg 27(7) (b)

Section 2

Communication and other support needs

We will do our best to meet any communication or support needs you may have; there will be no cost to you.

For instance, if you need our correspondence translated or in a larger font, please let us know.

Section 3

Your representative (if you have one)

You have the right to have someone support you as well as someone to act as your representative when you make a reference. This person could be someone from a support group, or a friend who knows what your child's additional support needs are and how they affect you and your family. It could also be someone who is experienced in representing at Tribunals or who is legally qualified. The services of an advocate to represent you can be made available on request and free of charge in Tribunal proceedings. Advocacy in this context means a service that another person provides to you by conducting discussions with or makes representations to the Tribunal or any other persons involved in the proceedings. Information about how to access the advocacy service can be obtained from the Tribunals' secretariat and from the national helpline Enquire. If you decide to make a reference without a representative, the Tribunal will help you to present your case. **If you name a representative, you should be aware that all our letters and correspondence will normally be sent only to them.**

If you send your reference without naming a representative but later change your mind, a representative can be added at any time before the hearing but you must write and confirm. Also, if you change your representative, you must write to us with the details as soon as possible.

Section 14

The Additional Support Needs Tribunals for Scotland (Practice and Procedures)
Rules 2006 32(6)

The Additional Support Needs Tribunals for Scotland (Practice and Procedures)
Rules 2006 32 (1)
Education (Additional Support for Learning) (Scotland) Act 2004
Section 14A

Representative's details

Enquire, the Scottish advice service for additional support for learning, can provide details of support and advocacy groups in your area.

You can contact them on: 0845 123 2303 or www.enquire.org.uk

Section 4

A: Education Authority and Co-ordinated Support Plan details

What Education Authority has made the decision you disagree with or failed to make a decision which you expected?

Section 4

Name:

Address:

Telephone:

Education Officer's Name:

Education Officer's Email:

Co-ordinated Support Plan

Does the child have a Co-ordinated Support Plan?

Yes No

If yes, when was it issued?

Is any other Education Authority involved?

If so, please state.

Please enclose the most recent copy of the Co-ordinated Support Plan with your reference.

B: The decision you disagree with

Assessment:

On (date)

I asked the Education Authority to assess if my child had additional support needs which would require a Co-ordinated Support Plan, I have not had a reply.

The Education Authority told me on (date)

that my child needs a Co-ordinated Support Plan but I have not received it yet. I originally asked the authority to assess my child on

(date)

(The Education Authority normally has 16 weeks from the date you ask for your child to be assessed to either tell you that a Co-ordinated Support Plan will not to be opened or to issue a Co-ordinated Support Plan.)

The need for a Co-ordinated Support Plan:

The Education Authority has told me that my child **needs** a Co-ordinated Support Plan. I disagree.

The Education Authority has told me that my child **does not need** a Co-ordinated Support Plan. I disagree.

The contents of the Co-ordinated Support Plan:

(Please tick whatever box(es) in this section apply and give us as much detail about why you disagree in Section 5.)

I disagree with what is written in my child's Co-ordinated Support Plan about:

- the factors from which additional support needs arise;
- the educational objectives that have been set taking account of these factors;
- the type of support proposed to help meet these objectives;
- the person or agency who will provide that support.

Section 18(5)
(deemed refusal)

Section 18(3)
(failure to complete
within timescales)

The Additional Support
for Learning
Co-ordinated Support
Plan) (Scotland)
Amendment Regulations
2005 Regulation 4

Section 3(a)(i)

Section 3(b)(i)

The arrangements for the provision of the additional support.

Reviewing the Co-ordinated Support Plan:

The Education Authority has reviewed my child's Co-ordinated Support Plan and decided a plan is **still required**. I disagree.

The Education Authority has reviewed my child's Co-ordinated Support Plan and decided a plan is **no longer required**. I disagree.

It has been more than 12 months since my child's Co-ordinated Support Plan was opened/reviewed and the Education Authority has not started to review it.

The Education Authority had started to review my child's Co-ordinated Support Plan but has not completed that review within the timescales allowed.

Date review due:

Date review started:

(Normally 12 weeks for the process.)

It has been less than 12 months since my child's Co-ordinated Support Plan was reviewed but I wrote on

(date)

informing the authority that there had been a significant change in the additional support needs and I asked for an early review. The authority has refused my request.

Please provide as much detail as you can in Section 5.

Placing requests:

The Education Authority has written to me on

(date)

refusing my placing request for

A school in the home authority (the authority where the child or young person resides)

A school in the host authority (the authority where the school which the child or young person wishes to attend is located)

OR

Section 18(3)(d)(ia)

Section 18(3)(a)(iii)

Section 18(3)(b)(ii)

Section 18(3)(d)(ii)
The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2005 Regulation 5

Section 18(3)(d)(iii)
The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2005 Regulation 4

Section 18(3)(d)(iv)

I made a placing request on

	(date)
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and I have not had a reply. (This is only valid within a specified time frame.¹)

AND on that date (or the deemed refusal date; see below), if the school is not a special school, one of the following applied (please tick):

- a Co-ordinated Support Plan was in place for my child; or
- the Education Authority has decided a Co-ordinated Support Plan was required and was in the process of preparing one; or
- the Education Authority has not prepared a Co-ordinated Support Plan but have informed me that they are proposing to establish if one is needed; or
- I had a reference at ASNTS about the Education Authority's refusal to open a plan for my child.

Section 18(4)(a)

Section 18(4)(b)

Section 18(4)(ba)

Please give the name and address of the school you have specified in your placing request.

School Name:

Address:

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If this is an independent or grant-aided school please enclose a letter from the school stating that it has a place for your child and that it considers itself able to meet your child's needs.

Do you have an appeal (which has not yet been decided) at the Education Appeals Committee?

Yes No

Do you have an appeal (which has not yet been decided) at the Sheriff Court?

Yes No

¹ If you made a placing request after 15 March for your child to start at your specified school on the first day of term in the next school year AND you have not had a reply by 30 April, that placing request is 'deemed' to have been refused. For a placing request at any other point in the school year, if you have not had a reply to your placing request within 2 months, it is deemed to have been refused.

The Additional Support for Learning (Placing Requests and Deemed Decisions) (Scotland) Regulations 2005, Regulation 4 Education (Additional Support for Learning) (Scotland) Act 2004, as amended by Section 1 of the 2009 Act

Transitions:

The Education Authority has failed to meet its duties regarding post school transitions and has not taken account of:

- Providing appropriate agencies with information about my child's additional support needs and leaving date at least 6 months beforehand
- Considering what provision is needed for my child on ceasing school education other than provisions relating to education
- Information provided by me or my child
- Contacting the appropriate agencies for information regarding additional support needs for my child in relation to his/her intended destination at least 12 months before my child has left school

Section 13(1)&(2)

**Section 13(2)(b)(i)
Section 12(6)(c)(i)**

Section 12(6)

Section 12(5)

Section 5

Supporting information:

It is helpful if you can provide as much information as possible with your reference. We expect you to enclose any relevant documents you have although you may produce further evidence later.

(Please use this page to provide further information and to list the additional documents you are sending with the reference.)

Section 6

Declaration

I declare that the information provided in this form is correct.

Section 29(2)

Section 3

Signature:

Print Name:

Date:

Final Checklist

Have you:

- Signed this reference?
- Enclosed the decision letter you disagree with?
- Enclosed the Co-ordinated Support Plan?
- If you have made a placing request for an independent school, enclosed a letter from the school?
- Enclosed and listed all the relevant documents you think might help the Tribunal?

What Happens Next?

We will check your reference form to see if the Tribunal can deal with the matters you have raised. If we need further information, we will contact you.

When we are sure that we can proceed, we will register your reference. Normally we will then give a date for your hearing and guidance about preparing your case statement. There is a President's direction which will help you think about who you might ask to be a witness. We will copy your reference to the Education Authority when it is registered and also your case statement so that it can respond.

You are given 15 working days to prepare a case statement in circumstances when the Education Authority have failed to provide a Co-ordinated Support Plan within the required timescales.

In all other circumstances, you are given 20 working days (4 weeks) to prepare a case statement. The authority has a further 10 working days to produce their response to this. You might think you have submitted enough information in your reference. You do not need to prepare a case statement but you may need further time to consider if there is any other information which might assist the Tribunal to understand your child and their needs.

If you want your case to proceed as quickly as possible or think you may need more time you may ask for these time periods to be changed.

The Tribunal will comprise of a convener who is a lawyer and 2 members who have experience and knowledge of children's additional support needs. The hearing will normally be held close to your home. We will send you more information at the end of the case statement period. We aim to arrange the hearing within 3 weeks of the end of the case statement period. All hearings are allocated at least a full day. More complex hearings may be allocated more time.

For further information:

- www.asntscotland.gov.uk
- <http://www.asntscotland.gov.uk/asnts/353.25.225.html>

Ethnic Monitoring

In order to record the diversity of users, we would ask you to tick one of the boxes. Giving this information is entirely optional; it will have no effect on how your reference is progressed.

We operate stringent data management procedures and will keep your information secure. We are registered under the Data Protection Act.

This page is perforated to allow us to detach it from your reference. The statistical data we gather from this sheet is kept in a separate electronic file from the references themselves.

Your child's ethnic origin is:

White:

- Scottish
- Other British
- Irish
- Any other white background

Please specify:

Mixed:

- Any other mixed background

Please specify:

Asian, Asian Scottish or Asian Black:

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background

Please specify:

Black, Black Scottish or Black British:

- Caribbean
- African
- Any other black background

Please specify:

Other ethnic background:

- Any other background

Please specify:



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