

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 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 8 to 10 of this form lists 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 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'.

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 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
Europa Building
450 Argyle Street
Glasgow
G2 8LG

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.

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.

Section 29(2)

Section 3

Other parent (if applicable)

Name and Address

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

Reg 27(7) (b)

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 (please delete):

Pupil Identifier (if known):

Why does the child have additional support needs? (e.g. has a visual impairment, is a carer, has an autistic spectrum disorder, has exceptional abilities).

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

Yes No

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

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 act as your representative when you make a reference. This 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 legally qualified. If you decide to make a reference without a representative, the Tribunal will help you to get your points across. **If you name a representative, you should be aware that all our letters and correspondence will 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.

Representative’s details

Mr/Mrs/Miss/Ms/Other:
Surname:
First Name(s):
Company/Organisation:
Address:
Postcode:
Telephone:
Mobile:
Fax:
Email:

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 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)

Section 4

A: Education Authority and Co-ordinated Support Plan details

What Education Authority has made the decision you disagree with?

Section 4

Name:

Address:

Telephone:

Education Officer's Name:

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)(ii)

Section 18(3)(d)(i)

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

OR

Section 18(3)(a)(ii)

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)

Section 18(4)(a)

I made a placing request on

(date)

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) 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
- I had a reference at ASNTS about the Education Authority's refusal to open a plan for my child.

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

School Name:

Address:

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 you 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

¹If 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.

Section 5

Supporting Information:

It is helpful if you can provide as much information as possible with your reference. We would 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 your enclosures.)

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.

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

You are given 30 working days (6 weeks) to prepare a case statement. 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.

The Tribunal will comprise a convener, who is legally qualified, and 2 members who have experience and knowledge of children's additional support needs. The hearing will be held as close as possible 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.

The fact that you have submitted a reference does not mean that you cannot continue to communicate with the Education Authority to try and reach an agreement. If you manage to reach an agreement, please notify us as soon as you can.

For further information:

- www.asntscotland.gov.uk
- 0845 120 2906

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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