

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 27 JANUARY 2005

ADDITIONAL SUPPORT NEEDS UPDATE

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Elected Members of changes in the arrangements for children with additional support needs and to seek approval for a reconfiguration of services to meet these changes.

2. BACKGROUND

- 2.1 Members will recall that the Scottish Executive mounted two significant consultation exercises based on possible changes to the law on additional support needs. A report was presented to Committee on this subject on 25 May 2004.
- 2.2 The new Act on additional support needs was passed by the Scottish Parliament on 01 April 2004. Following Royal Assent in the summer, the Scottish Executive has started an implementation programme. The next significant event, as part of this programme, will be the development and adoption of a Code of Practice on additional support needs (ASN). As yet, no confirmed dates have emerged on this Code of Practice other than final implementation in schools has been set for August 2005.
- 2.3 A summary of the changes introduced by the Act is presented at Appendix 1.

3. IMPLICATIONS FOR THE SERVICE

- 3.1 The Act considerably extends the education authority's responsibilities in terms of the number of children covered by the new law, the range of difficulties which require to be addressed and the range of services which must be provided. There are also implications for health and social services.
- 3.2 Between now and full implementation of the Act the authority will have to:
- review of all the children who currently have a Record of Needs to assess if they require a Co-ordinated Support Plan (approximately 430 children);
 - review all documentation and systems used to produce Records of Needs and develop new arrangements to produce co-ordinated support plans;
 - train key staff in the new legislation and its implications:-
 1. educational psychologists;
 2. Head Teachers;
 3. learning support staff (school based);
 4. social work and health staff; and
 5. centrally based support staff.

- develop and publish a range of information leaflets as required by the law;
- establish and run new pupil tracking systems;
- prepare procedures for ASN tribunals;
- inform parents and young people of the changes and their implications; and
- devise joint protocols with the health service, social services and Carers Scotland to manage transition arrangements.

3.3 In addition, current services to children, parents and schools will require to be maintained.

4. IMPLEMENTATION

4.1 The Scottish Executive have allocated additional resources to East Ayrshire in order to support the implementation of the new Act. Additionally, funds have been allocated to the NHS Ayrshire and Arran. Discussions have taken place with both social services and health service colleagues to identify the most effective way to allocate these resources.

4.2 In order to implement the new legislation, the following are required:

- An additional educational psychologist – to support the review of all the current Records of Need and the new additional support needs cases;
- An administration officer – to review all current documentation and procedures and develop new documentation, procedures, databases and pupil tracking systems; and act as a focal point for other services
- Support for a post in social services to manage transition to adult life for young people and liaise with the support needs team.

5. COMMUNITY PLAN IMPLICATIONS

5.1 This initiative is directly related to the Improving Opportunities strand of the Community Plan.

6. POLICY/LEGAL IMPLICATIONS

6.1 Nil

7. FINANCIAL IMPLICATIONS

7.1 The costs associated with implementation are:

1 educational psychologist	£ 34,416
1 administration officer (AP5/SO2)	£ 27,873
1 social worker (senior grade)	£ 37,000
Employment costs @ 22.6 %	£ <u>22,439</u>
Total	£121,728
Other costs associated with these posts (eg travel, materials and supplies)	£ <u>15,000</u>
Total	£136,728

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| 7.2 | Establishment of new services such as mediation and dispute resolution with accompanying publication of information to parents and young people | |
| | Total | £ 46,000 |
| | Staff training and parental information sessions | |
| | Total | <u>£ 11,000</u> |
| | Grand Total | £193,728 |
- 7.3 In year two, additional services will be directly provided for the various categories of children with additional support needs who are currently not included in special educational needs provision. This expenditure is estimated at £36,000 which will be administered through the present educational needs budget.
- 7.4 These costs will be met from a specific grant from the Scottish Executive paid through the National Priorities Action Fund. A report is submitted annually to the Scottish Executive on this expenditure.

8. RECOMMENDATIONS

- 8.1 It is recommended the Elected Members:
- (i) approve the proposals outlined in this report for the implementation of the additional support needs legislation;
 - (ii) note that this report has agreed by Education Committee;
 - (iii) note that the staff appointments, other than teachers, be remitted to the Corporate Governance Committee;
 - (iv) ask the Executive Director (Educational and Social Services) to provide future reports on aspects of the implementation of the additional support needs legislation, as they arise; and
 - (v) otherwise note the contents of this report.

John Mulgrew
Executive Director (Educational and Social Services)

12 January 2005
GRS/MG

LIST OF BACKGROUND PAPERS

Nil

Members wishing further information should contact Graham Short, Head of Service: Quality Improvement, Tel: (01563) 576089.

Appendix 1 : Summary of changes

IMPLEMENTATION OFFICER: GRAHAM SHORT

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

Now	The Future
<p>Special Educational Needs</p> <ul style="list-style-type: none"> • Special Educational Needs framework (probably 20% pupils with special educational needs). • No legislative requirement to identify, assess and meet requirements other than for the small number (about 2%) with a Record of Needs, though education authorities must provide generally for a special educational needs. • Also general duty under section 2 of Standards in Scotland's Schools etc Act 2000. 	<p>Additional Support Needs</p> <ul style="list-style-type: none"> • Additional Support Needs defined as all learning support needs, not just special educational needs. • Duty on education authorities to identify and take steps to address support needs for the learning of all children (for whom they provide education either directly or indirectly). • Parents able to request particular type of assessment, but not from a particular individual. • Duty to publish local policy, arrangements for identifying additional support needs and provision to address needs (Regulations will set minimum expected). • Duty on other agencies to help. • Power for education authorities to assist with identification and support meeting the additional support needs of children outside public system (i.e. for those in independent sector, home education, below age 3). • Parents of children outwith public system have right to request the education authority to appraise child for additional support needs and for Co-ordinated Support Plan. • Education authority must provide advice and information • Independent schools have right to request education authority to consider child's needs for Co-ordinated Support Plan.
<p>Children with other needs</p> <ul style="list-style-type: none"> • Various and disparate policies, legislative provision and intervention systems, for example. Looked after children, disabled children, Gypsy or Traveller children, English as Additional Language, refugees, gifted children, behavioural difficulties, children at risk, being bullied, young parents, and so on. 	

Now	The Future
<p>Record of Needs</p> <ul style="list-style-type: none"> • Aimed at those with pronounced, specific or complex special educational needs – roughly 2% of pupils, though rates vary considerably across education authorities. • Use staged intervention process (set out in guidance) to get to Record of Needs. • Certain assessments compulsory. • Lengthy process. Record of Needs kept confidential, not shared sufficiently. • Available to all children from age 2 onwards until leaving school. • Education authority may open and maintain a Record for child outwith public system but under no obligation to make provision. 	<p>Co-ordinated Support Plan</p> <ul style="list-style-type: none"> • Remove Record of Needs and introduce Co-ordinated Support Plan for children with long term significant learning needs that require support services from outwith education. • Co-ordinated Support Plans will directly link additional support with expected learning outcomes. • Repeal need for compulsory educational, medical and psychological assessments – target only where needed. Parents will have right to request particular type of assessment. • Parents to be informed of proposals for considering child for Co-ordinated Support Plan, the outcome and their appeal rights and must get a copy of the Plan. • Co-ordinated Support Plans will be for children in public funded provision and will be for those age 3 upwards. • Duty on education authority to specifically co-ordinate support to be provided as detailed in the Plan and to name person who will manage the co-ordination. • Code of Practice will replace staged intervention process with minimum standards on local arrangements and will aim for a framework relevant for the whole child across all sectors.

Now	The Future
<p>No conflict resolution</p> <ul style="list-style-type: none"> • No requirement to offer mediation service to resolve disputes. 	<p>Mediation service and Dispute Resolution</p> <ul style="list-style-type: none"> • Independent mediation service to be provided free of charge by education authority for all disputes with parents of pupils with additional support needs. • Mediation not compulsory on either party. • Education authority to provide dispute resolution, as well as mediation, to further facilitate resolution for parents on matters not for formal appeal routes.
<p>Appeals</p> <ul style="list-style-type: none"> • Go to Education Authority Appeal Committee, Scottish Ministers or Sheriff Court depending on nature of appeal. • Only certain parts of Record can be appealed. No right of appeal about provision. 	<p>Additional Support Needs Tribunals</p> <ul style="list-style-type: none"> • Set up new independent Additional Support Needs Tribunals to hear appeals relating to Co-ordinated Support Plans – appeals to get Co-ordinated Support Plan, review it and appeal any part, including provision and refused placing requests. • (Appeals on refused placing request where no Co-ordinated Support Plan, will continue to go to Education Authority Appeal Committee). • Legal aid available (to those who qualify) for legal advice before and after a Tribunal hearing but not for legal representation at a hearing. • Parents can have supporter/advocate/representative attend with them. • Jurisdiction to be on education authorities as lead agency responsible for Co-ordinated Support Plan. Other agencies to assist, where appeal relates to their provision.

Now	The Future
<p>Parent support / involvement</p> <ul style="list-style-type: none"> • Information on process to get a Record has to be provided to parents. • Parents have right to be accompanied by a single “named person” (approved by the education authority) at meetings about Records of Needs. • Can request child be considered for Record (so statutory assessments). No formal right to request special educational needs be assessed. 	<p>Partner</p> <ul style="list-style-type: none"> • Will promote in Code of Practice parents’ role in education of child. Parents should be seen as equal partner. • Identified official to act as contact person, for all parents, to advise on system. • Information on policies and arrangements for additional support for learning to be provided to all parents in an authority in understandable format. • In Co-ordinated Support Plan, official also to be named to liaise with parents. • Parents able to have any supporter, including a representative from an advocacy agency, with them at any meetings. • Parents able to request child’s additional support needs be appraised, and also to be appraised for Co-ordinated Support Plan. Right to request particular type of assessment such as medical or psychological. Education authority must inform them of outcome.

Now	The Future
<p>Future Needs Assessment</p> <ul style="list-style-type: none"> • Required for those with a Record, some time between 2 years and 9 months prior to age 16. • Involves formal statutory assessments, formal meeting and report. • Future Needs Assessments provided to a few young people with special educational needs but without Record, but practice varies considerably across authorities. 	<p>Preparing for post-school</p> <ul style="list-style-type: none"> • Future Needs Assessment to cease. Education authority must get information about provision other agencies will make for young person once he or she has left school. Must take account of this when planning support to be provided in period prior to leaving school. • This all must be done at least 12 months before young person leaves school. • Formal assessments only when necessary. • Will be for all those with a Co-ordinated Support Plan plus all others with continuing additional support needs who would benefit. • Must also provide information to supporting agencies at least 6 months prior to young person leaving school.
<p>Child involvement</p> <ul style="list-style-type: none"> • Level of involvement of children with special educational needs varies across country. • Education authorities do have general duty to have regard to children's views, as do parents. 	<p>Promote positively</p> <ul style="list-style-type: none"> • Promote through Code of Practice involvement of children with additional support needs in decision-making processes and support their needs to enable their involvement. • The views of the child will be recorded in the Co-ordinated Support Plan. • Code of Practice to state child should play key part and should have supporter available. • Expect children to attend or have opportunity to put their views to Tribunals.