

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004	
From: DIRECTOR OF SOCIAL WORK			
Date: 6 DECEMBER 2005		Ref: JD/KMcl	

1. Purpose of Report/Introduction

To advise Committee of the implications of the implementation of the Education (Additional Support for learning) (Scotland) Act 2004.

2. Background

- 2.1. The Education (Additional Support for Learning) (Scotland) Act 2004 (the Act) introduces a new framework for providing for children and young people who require some additional help with their learning.
- 2.2. The Act aims to ensure that all children and young people are provided with the necessary support to help them achieve their full potential. It also promotes positive collaborate working among all those supporting children and young people.
- 2.3. The Act was developed following a lengthy review process which considered the effectiveness of the assessment and recording of children with special educational needs. It is the most significant legislation in this area of activity since the Education (Scotland) Act 1980.
- 2.4. The Act was implemented on 14th November 2005, and a code of guidance has been issued to assist agencies with implementation arrangements.

3. Proposals

- 3.1 The term "additional support" will apply to all children and young people who require additional support, not only children with disabilities. This support may be required for a variety of reasons and may be short or longer term. This may include for example, children with sensory impairment, young carers, children who have experienced bereavement, children who are looked after, children who have english as a second language etc.
- 3.2 The Act is primarily about education and the key elements include:
 - duties for education authorities in identifying, assessing and reviewing the educational provision for children and young people with additional support needs, and to seek and take account of information from other agencies such as health and social work services.

- new rights for parents, including the right to request specific types of assessment when the education authority is seeking to establish if a child has additional support needs.
 - independent mediation services for all parents of children with additional support needs
 - dispute resolution services for parents, in addition to mediation
 - better planning and preparation for transition to post-school life. This will involve any agency that will become responsible for supporting the young person once he/she leaves school.
 - removing the current Record of Needs and replacing it with the new Co-ordinated Support Plan for those who need it. There is the possibility in a limited number of situations that a member of Social Work staff would be the nominated co-ordinator for the support plan.
 - new independent family-friendly tribunals to hear appeals on a range of issues relating to Co-ordinated Support Plans.
- 3.3 The Act promotes integrated working across agencies, and sets out expectations in respect of other agencies, including health and social work.
- 3.4 Under the Act, social work has a duty to help the education authority to meet its legal obligations. Clear timescales are set out within the guidance, for example, if asked by education to contribute to an assessment, a period of ten weeks is granted from the date of the request.
- 3.5 Looked after children will come under the scope of this legislation, which may result in additional demands being made of social work staff.
- 3.6 Social work staff may also require to support parents and ensure that they are informed of their rights eg in making appropriate requests for assessments.

4 **Financial/Personnel/Legal/Policy Implications**

- 4.1 The Scottish Executive has allocated funds to local authorities and health to assist with the implementation of the Act. In North Lanarkshire, these funds were allocated to the Education Department. Within social work, to date the funding implications are in the area of staff training, however, other demands may become apparent once the legislation is fully implemented.
- 4.2 The Act emphasises inter-agency co-operation and joint working, which is consistent with existing policy direction. The guidance provides a framework which will assist in the development of existing good practice, for example in the sharing of information. It is clearly imperative that Social Work receive early notification of any requirement to contribute to the assessment process.
- 4.3 At this time it is difficult to predict the impact of the new legislation on social work services, however there could be resource implications. For example, there is no clear view as to whether there will be a significant increase in the numbers of co-ordinated support plans as opposed to existing records of need. There could be implications for social work staff in terms of attending additional reviews. This will be monitored and will be reported to committee at a later date.

5 **Recommendation**

5.1 The Committee is asked to:

- (i) note the contents of the Report



Jim Dickie
Director of Social Work
08 November 2005

For further information on this report please contact Susan Taylor, Manager Children Families and Justice, Telephone 01698 332032