

IS THERE AN APPEAL PROCESS?

You have a right to refer to a tribunal when there is unresolved disagreement with the local authority **about a co-ordinated support plan (CSP)**.

A **tribunal** is an independent panel with a legally qualified convenor appointed by Scottish Ministers and two other members experienced in additional support needs. The tribunal provides a forum for constructive discussion and aims to make a decision about the CSP that reflects best practice in relation to additional support needs.

You can refer to a tribunal if you have been unable to resolve disagreement about the local authority's decision on:

- * Preparing (or not preparing) a co-ordinated support plan (CSP)
- * To continue to (or discontinue) a CSP
- * The timescales within the CSP
- * Complying with a request to establish the need for the CSP

If a CSP already exists, unresolved disagreement can be referred to tribunal concerning:

- * The information within the CSP
- * Failure to review the CSP at the end of 12 months or within the timescales of the regulations

- * A decision to refuse a placing request (this also applies if the CSP is not yet prepared but there is an intention to do so).

If you disagree with a decision letter from the local authority about a CSP and have been unable to resolve the disagreement through discussion or mediation, you have two months from receipt of the letter to refer the issues to the tribunal.

WHERE CAN I FIND OUT MORE INFORMATION?

- * For more information please contact the Quality Improvement Officer (ASN) at Lime Tree House, telephone 01259 452377.
- * Supporting Children's Learning: Code of Practice - www.ltscotland.org.uk
- * Information on www.asntscotland.gov.uk, inquiries@asntscotland.gov.uk or telephone 0845 129 2896
- * Information and advice also from Enquire Factsheet 9: Mediation (2005) Enquire Factsheet 13: Dispute Resolution (2005) - www.enquire.org.uk
- * www.clacksweb.org.uk
- * Parent and Children's Network Coordinator, telephone 01259 217381

Working Together Resolving Differences



Services to People
Education and Community Services

WHAT IS THIS LEAFLET ABOUT?

- The Additional Support for Learning (ASL) Act gives specific rights to parents, and to young people over the age of 16, to ensure they are fully involved in decisions about meeting additional support for learning.
- The Act includes a range of routes to help resolve any disagreements.

Additional Support for Learning
Information for Parents
December 2006



WORKING TOGETHER AND RESOLVING DIFFERENCES



Clackmannanshire Council recognises that clear and regular communication between parents, children and young people and those who work with them, is essential for good relationships.

Our staff in schools and support services will listen carefully to your experience and views and take them into account. The Act recognises that, sometimes, you may want to involve or get support from an outside source. So it gives you the right, if you wish, to bring a supporter or advocate with you to meetings.

A **supporter** provides moral or emotional support. An **advocate** is someone you might ask to speak on your behalf.

You will be involved right from the start in the decisions about your child's additional support needs. If you are unhappy with anything, make your views known as soon as possible by talking with the class teacher or the head teacher of the school.

If you feel that a disagreement has not been resolved by talking with school staff, the next step is to contact the Quality Improvement Officer (ASN) on 01259 452377.

WHAT IF WE CAN'T AGREE?

Very few disagreements cannot be resolved through the school or the education authority. However, the ASL Act also makes provision for the following additional forms of support for parents and for young people over 16, when it is hard to reach agreement.

Mediation

Mediation is a voluntary process and is a way of resolving disputes with the help of an impartial third party. The **mediator** works with parents, young people and staff together to enable them to explore options, make decisions and reach agreement. Mediation is confidential and discussion can only be shared by agreement. In Clackmannanshire, mediation is provided by Clackmannanshire Mediation Services.

Dispute Resolution

Dispute resolution can be used when a child or young person has additional support needs but **does not** have a co-ordinated support plan (CSP).

Dispute Resolution is more formal than mediation and may be used when there are disagreements about:

- ❖ The assessment of additional support needs
- ❖ The level of additional support required or being provided

The Scottish Executive will appoint an independent **adjudicator** who will look at all the relevant information and make recommendations to everyone involved. This process should take no more than eight weeks.

Requests for access to mediation or for Dispute Resolution should be made in writing to the Quality Improvement Officer (ASN) at Lime Tree House, who will acknowledge your request and help make the necessary arrangements.

