

Children, dyslexia and the law

Children,
Parents &
Teachers

The Education (Additional Support for Learning) (Scotland) Act 2004, as amended, provides the legal framework which underpins the system for identifying and addressing the additional support needs of children who face a barrier, or barriers, to their learning. This leaflet explains how the Act can support you as parents of children with dyslexia.

What are additional support needs?

The term 'additional support needs' applies to all children and young people who need additional support to enable them to benefit from school education. The term could, for example, include those who are disabled and those who are more able, as well those with dyslexia. The additional support required could include learning support as well as non-educational provision such as speech and language therapy, or support from social services or a voluntary agency.

How can the authority help?

If a child has dyslexia the education authority must make 'adequate and efficient provision' to meet the child's need for additional support. However, in doing this the authority is not required to 'incur unreasonable public expenditure'. Where an education authority refuses to comply with your request for particular support it must explain the reason for its decision. It must also explain to you what steps you can take when you disagree with the authority's decision (see below).

Some other provisions of the Act

Assessments: if you are concerned about your child's education you can ask for your child to have an assessment. This can include an educational, psychological and medical assessment. You should ask the class teacher, support for learning department or headteacher to arrange the assessment. If the assessment is not forthcoming and you feel that you have explored all options with the school, you can write to the education authority to request one. Dyslexia Scotland can provide a template letter for you to request an assessment – please contact our Helpline for a copy of this. The authority must comply with the request unless it considers the request unreasonable. In this case the authority would have to state why and explain what steps parents can take when it does refuse.

Important - Dyslexia Scotland encourages schools and parents to work together to get the best support for the child. Please read our leaflet, 'Identification of dyslexia in schools - information for parents' which covers the process of identification of dyslexia in schools, including Staged Intervention.

Co-ordinated support plan

A co-ordinated support plan (CSP) is a legal plan, subject to regular review, which contains specific information about your child. This information includes the support your child requires in order to achieve learning objectives set out in the plan. You can appeal to the Additional Support Needs Tribunal for Scotland (ASNTS) about issues relating to the plan, or if you are refused a plan for your child. The Act sets out the criteria for eligibility for a co-ordinated support plan. These are described in the Factsheet on co-ordinated support plans available from Enquire.

Appropriate support not being provided?

If you feel that an appropriate level of support is not being provided then you should discuss this with the headteacher. If the issue is not resolved then you should write to the education authority. If you are still concerned then there are other steps that you can take, all of which are cost-free to parents.

Mediation - This is a voluntary process involving an independent third person who is the mediator between individuals involved in the disagreement. The aim is to work towards an agreement that is acceptable to everyone involved. The education authority will organise the mediation. Further information can be found in the Enquire Factsheet on Mediation.

Independent Adjudication - Also known as dispute resolution, this is a service which is available through the education authority, whereby a formal review of the case is conducted by someone independent of the authority, with experience in the education of children and young people with additional support needs. Further information can be found in the Enquire Factsheet on Independent Adjudication.

Additional Support Needs Tribunal for Scotland (ASNTS)

You can also make a reference to the ASNTS where your concerns relate to a co-ordinated support plan, a placing request to a special school or transition from school to post-school. The ASNTS website explains how parents can make a reference and how they can be supported to do this.

Further information

- Enquire, the Scottish Advice Centre for Additional Support for Learning, also provides detailed advice www.enquire.org.uk
- 'Identification of dyslexia in schools – information for parents' www.dyslexiascotland.org.uk/our-leaflets
- Dyslexia Scotland has produced a template letter for anyone to use to request an assessment of their child by the local education authority. For a copy of this please contact Dyslexia Scotland Helpline 0344 800 8484 or helpline@dyslexiascotland.org.uk
- Additional Support Needs Tribunal for Scotland www.asntscotland.gov.uk



Dyslexia Scotland

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