

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.

Your rights under the Education (Additional Support for Learning) (Scotland) Act

If you are concerned about your child's educational progress you can ask the school to look into whether your child has additional support needs. You should ask the class teacher, support for learning department or head teacher to do this, giving a clear idea of your concerns. These could include concerns about homework, reading, spelling, self esteem or other things. If the school does not do this, or if you are unhappy with what they do, there are further steps you can take. Please contact Dyslexia Scotland's Helpline to discuss this.

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

If your child has additional needs as well as dyslexia they might require a Co-ordinated Support Plan (CSP). A CSP is a legal plan to help identify and ensure provision of services required by children/young people whose additional support needs arise from complex or multiple factors which have a significant adverse effect on their school education. The additional support needs are likely to last at least a year and require support to be provided by an education authority and at least one other non-education service or agency. The CSP is subject to regular review and contains specific information about your child. It aims to ensure that all the professionals, the child/young person and the parents/carers work together for the benefit of the child/young person's education.

A CSP will only be required by a child/young person with dyslexia when other agencies outwith education (such as health or social work) are involved in order to help the child meet their educational objectives.

Where a child/young person with dyslexia is not eligible for a CSP, other arrangements such as an Individual Education Plan (IEP) or Additional Support Plan or Collaborative Assessment Plan are likely to be put into place. These will be labelled differently by different authorities.

The Education (Additional Support for Learning) (Scotland) Act and the Code of Practice set out criteria for eligibility for a CSP. There is also a factsheet on CSPs available from Enquire (see end for contact details).

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. Contact our Helpline for more information.

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 Enquire's 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 Enquire's 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.



Dyslexia Scotland
Charity No: SC 000951
Registered No: SC 153321
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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 a template letter to send to local authorities. Contact our Helpline on 0344 800 8484 or helpline@dyslexiascotland.org.uk for more information
- Additional Support Needs Tribunal for Scotland www.asntscotland.gov.uk