

mindroom
learning without boundaries



Mindroom Information Guide

To Your
Essential Rights

The answers to the questions
you didn't know you had

Information

Being a parent of a child with any form of learning difficulty or any other disability is, to say the least, bewildering.

What to do? Where to go? Who to listen to? Who not to listen to? What rights do we have? How can we best guide our son/daughter through life?

Ignorance and uncertainty cause fear, anger and alienation.

Knowledge and understanding do just the opposite and make for good team work and better prospects.

Therefore we have put together this quick and initial guide to the essential information you need to have as a parent/carer of a child with learning difficulties. Or rather, the rights that your child has to a decent start in life in today's society.

Mindroom believes you need support, information and advice which is tailored specifically to meet your needs. The aim of this booklet is to fast track you to that information.

Please note that whilst relevant throughout the UK, the information is particularly applicable to Scotland.

We have drawn our information principally from:

Enquire – the Scottish Advice Service for Additional Support for Learning.

Contact a Family – a UK-wide charity providing advice, information and support to the parents of all disabled children.

In England, OAASIS – the office for Advice Assistance, Support and Information on Special Needs, can provide you with answers.

Contact details for all organisations can be found at the back of the leaflet.



Sophie Dow
Founder

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Children under 3

If your child is under 3 and has additional support needs because of a disability, health professionals working with your child, such as a health visitor, or community paediatrician, should tell the education authority. The education authority must provide additional support.

A multi-agency community team may be formed to assess your child's needs and to plan support with you. The team could include a health visitor, a pre-school home visiting teacher, a social worker and perhaps someone from a voluntary agency. One of them may act as a key worker – a single point of contact for you and the other professionals. Support will vary according to your child's needs but is likely to focus on helping their development and preparation for pre-school.

If you are worried that your child may have additional support needs which have not been investigated, discuss this with your Health Visitor or GP and request a full assessment.

Enquire Factsheet 8:

Roles and Responsibilities in Additional Support for Learning

This factsheet aims to clarify the roles and responsibilities of different people at each stage of the process of finding out about and providing the support children and young people need. It takes into account changes in the law brought by the Education (Additional Support for Learning) (Scotland) Act 2004 (the ASL Act).

www.enquire.org.uk
Helpline 0845 123 2303

Excellent booklet available from Contact a Family:

When Your Child has Additional Needs

www.cafamily.org.uk
Helpline 0808 808 3555

Document from Contact a Family Finding and Paying for Childcare

www.cafamily.org.uk
Helpline 0808 808 3555

Children 3 – 5

In Scotland, every child aged three and four is entitled to a free, part-time pre-school (nursery) place from the school term following the child's third birthday.

Any child aged three or over who appears to require additional support to benefit from school or pre-school education must, by law, be assessed by the education authority.

For children with complex needs, pre-school education can be provided by a pre-school home visiting teaching service.

Enquire Factsheet 11:

Early Years Education

www.enquire.org.uk
Helpline 0845 123 2303

Primary school 5-11

Government policy at present promotes inclusive education. Parents are encouraged to send their children to mainstream schools where appropriate provision should be made for the child's additional support needs. As a parent you have the right to challenge the school placement if you feel it does not meet your child's needs adequately.

Enquire factsheet:

General Responsibilities

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Factsheet 2:

Planning Children and Young People's Learning

Information about Personal Learning Planning (PLP), Individual Educational Programme (IEP), Coordinated Support Plan(CSP)

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Factsheet 3:

Choosing a School

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Factsheet 4:

Placing Requests

This factsheet covers your right to make a placing request if you are not able to reach agreement with your education authority about which school your child should attend.

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Factsheet 7:

Transport to School

This factsheet gives general information about who is entitled to transport to school. It outlines the duties, powers and responsibilities of education authorities and also covers the issue of child safety.

www.enquire.org.uk
Helpline 0845 123 2303

Secondary School 11-16

Enquire Factsheet 10:

School Attendance

This factsheet outlines what to do if your child's school attendance is an issue.

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Young People's Guide:

People Who Can Help in and Out of School

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Young People's Guide:

Getting Help with Exams

www.enquire.org.uk
Helpline 0845 123 2303

Enquire Factsheet 12:

Exclusion from School

This factsheet provides information about when a school can exclude your child, the procedures the school should follow and what to do if you do not agree with the exclusion.

www.enquire.org.uk
Helpline 0845 123 2303

Post 16 Education

Enquire factsheet 16:

Leaving School and Deciding What to Do at 16+

An overview of the different options available to young people with additional support needs after 16.

www.enquire.org.uk
Helpline 0845 123 2303

Contact a Family:

Post 16 Transition

www.cafamily.org.uk
Helpline 0808 808 3555

Contact a Family:

Education Maintenance Allowance

Education Maintenance Allowance (EMA) is a weekly payment for your son or daughter if they stay on at school, college or training after compulsory schooling.

www.cafamily.org.uk
Helpline 0808 808 3555

Website specifically for Education Maintenance Allowance Scotland:

www.emascotland.com

Home Education

The law says that children must receive an education – not that they must go to school. Whether the child is at school or home educated, it is the responsibility of the parents to see that this education is provided.

Two useful websites for Home Education information are:

www.schoolhouse.org.uk
www.he-special.org.uk

The Education (Additional Support for Learning) (Scotland) Act 2004

The ASL Act came into force on 14 November 2005. The ASL Act sets out a new system for supporting children's and young people's learning. Parents and young people have new rights; education authorities have new duties. The new Act is accompanied by Supporting Children's Learning: code of practice, which provides detailed guidance on the new system.

Enquire booklet:

The Parents Guide to Additional Support for Learning

A very comprehensive document which can be downloaded from their website or you can request a copy.

www.enquire.org.uk
Helpline 0845 123 2303

Contact a Family Factsheet:

Additional Support for Learning – Scotland document

An equally comprehensive guide which can be downloaded from their website or you can request a copy.

www.cafamily.org.uk
Helpline 0808 808 3555

Enquire Factsheet 14:

Moving to Additional Support for Learning

This factsheet explains the arrangements for changing over to the new system for children and young people who had Records of Needs when the ASL Act came into force, including information about appeals. It also has information about children who receive support but were not recorded.

www.enquire.org.uk
Helpline 0845 123 2303

The Education (Additional Support for Learning) (Scotland) Act 2004 (ASL)

The ASL Act places duties on education authorities to provide access to independent mediation for resolving disputes with parents and carers of children and young people with additional support needs.

Mediation is a free service to parents, carers and young people. Mediation is a voluntary process during which a neutral third person (a mediator) helps those involved in disagreement or dispute to work towards finding a mutually acceptable agreement.

Enquire factsheet 9:

Mediation

This factsheet aims to inform parents, carers and young people about mediation and the legal requirements on education authorities to provide mediation services.

www.enquire.org.uk
Helpline 0845 123 2303

Enquire factsheet 5:

Resolving Disagreements

The Education (Additional Support for Learning) (Scotland) Act 2004 (the ASL Act) introduced a number of new processes that you can access to resolve disagreements. This factsheet describes each of the processes available and how to use them.

www.enquire.org.uk
Helpline 0845 123 2303

Enquire factsheet 13:

Dispute Resolution

Through good practice, disputes or conflicts should be resolved at school or local authority level. However, if this is not possible you can apply to have your disagreement referred to dispute resolution.

www.enquire.org.uk
Helpline 0845 123 2303

The Disability Conciliation Service (DCS)

Set up by the Disability Rights Commission to liaise between disabled people and service providers such as shops, banks, restaurants, sports centres, voluntary organisations, the NHS and local authorities. Parents of children with disabilities are also able to use the DCS on behalf of their children.

The Disability Conciliation Service can be contacted through the Disability Rights Commission.

Telephone : 0845 762 2644
E-mail: enquiry@drc-gb.org
Post: DRC helpline,
FREEPOST, MID 02164

Social Work Assessment

You have a right to have your child's and family's needs assessed by social work and other departments.

Duties of Social Work Department

- providing a social worker service;
- providing information about services which may be available;
- assessing the needs of disabled children and their carers;
- providing a range of services to meet these needs.

Comprehensive booklet available to download or order from Contact a Family.

A Guide to Assessments and Services in Scotland

www.cafamily.org.uk
0808 808 3555

Scottish local authorities have a general duty under the **Children (Scotland) Act 1995**, to safeguard and promote the interests of children in need. The law recognises disabled children as being in need. This means your local authority must carry out an assessment of your child if you ask them to under Section 23 of this act. Contact your Social Work Department for this.

[www.opsi.gov.uk/acts/acts1995/
ukpga_19950036_en_1.htm](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950036_en_1.htm)

Community Care and Health (Scotland) Act 2002 – carers assessment

What services can I expect for my child and family? A carer is entitled to assessment and a range of support.

[http://www.opsi.gov.uk/legislation/
scotland/acts2002/20020005.htm](http://www.opsi.gov.uk/legislation/scotland/acts2002/20020005.htm)

Services for disabled children available:

Section 2 of the Chronically Sick and Disabled Persons (Scotland) Act 1972 and under the Children (Scotland) Act 1995.

[www.scotland.gov.uk/library/swsg/
index-f/c102.htm](http://www.scotland.gov.uk/library/swsg/index-f/c102.htm)

The kind of help that should be provided is set out in:

The Chronically Sick and Disabled Persons Act

Under this Act, the duty to provide services is to the individual disabled child and does not extend to other members of the family.

The services detailed are:

- practical assistance in the home such as help with the personal care of your child, for example help with getting in and out of bed;
- provision of equipment to satisfy a recreational need, such as a TV, radio or computer;
- provision of leisure facilities (this could mean outings);
- travel and other assistance;
- home adaptations/disabled facilities such as fitting of handrails and hoists;
- holidays;
- meals;
- telephone equipment.

A range of support services which should be available are set out in:

The Children (Scotland) Act 1995

This includes short breaks.

http://www.opsi.gov.uk/acts/acts1995/ukpga_19950036_en_1.htm

The regulations and guidance for the Children (Scotland) Act 1995 say:

‘Respite services are an important part of the range of services that should be available to help families with children in need. They are particularly relevant to helping children with disabilities but can also meet other needs, for example to provide a child’s parents or carers under stress with a break where the absence of such support might lead to breakdown of the usual arrangements for the child’s care.’

There are other services listed in the regulations and guidance. Family support services should cover both day care and home care services.

These may include:

- home help;
- family centres offering childcare;
- support to parents and education to increase parenting skills;
- access to suitable housing;
- occupational therapy;
- special equipment and adaptations

Importantly, The Children Act allows social work to provide help which will benefit other family members, such as siblings and other carers.

The transition to adult services is a time of particular concerns and tensions.

The 2002 Community Care and Health (Scotland) Act makes it clear that local authorities should:

- anticipate the need for equipment and adaptations to the home as a disabled child grows older;
- plan and make arrangements for the child's eventual transition from children's to adult services;
- ensure that young people and their parents have access to high quality guidance and support to enable them to make the transition from school to post-school education and training.

There are a range of benefits and tax credits for which you may be eligible. Each benefit or tax credit has its own set of eligibility criteria. This means you need to meet certain conditions in order to qualify.

A pamphlet containing a selection of the most common benefits, briefly explaining what they are, and who is entitled to claim them!

A Checklist for Parents

www.cafamily.org.uk
0808 808 3555

Benefits, Tax Credits and other Financial Help

www.cafamily.org.uk
0808 808 3555

When your child becomes 16 – benefits are paid to the young adult.

www.snipinfo.org

This website provides information relating to welfare rights services, and much more.

There is a range of therapy and support services which may be appropriate for you and your child.

The main ones are:

- Speech and language therapy
- Occupational therapy
- Physiotherapy
- Child and Adolescent Mental Health Service (CAMHS)

You can request an assessment by any of these services. Ask your GP or consultant paediatrician to make the referral.

Alternatively contact mig@mindroom.org for details of who to contact in your area.

Professionals

On the course of your journey you will encounter many professionals. To guide you through the maze we have compiled a glossary of professionals and specialist services.

<http://www.mindroom.org/learning-difficulties/glossary-of-professionals-and-specialist-services>

Mindroom

www.mindroom.org
email: moreinfo@mindroom.org
Tel: 0131 653 6235

Enquire

www.enquire.org.uk
email: info@enquire.org.uk
Helpline: 0845 123 2303

OAASIS

www.oaasis.co.uk
email: oasis@cambriangroup.com
Helpline: 01590 622880

Contact a Family

www.cafamily.org.uk
Helpline: 0808 808 3555
Scotland: 0131 659 2930
email: scotland.office@cafamily.org.uk
Northern Ireland: 028 9262 7552
email: nireland.office@cafamily.org.uk
UK office: 020 7608 8700
email: info@cafamily.org.uk

“Care has been taken to ensure the accuracy of the above information, which is provided for guidance and reference purposes only and which should not be construed as finite, prescriptive or exclusive; inaccuracies may, however, occur. Mindroom recommends consultation with relevant medical, educational and legal professionals on the treatment or management of learning difficulties and all associated issues, and shall not be held responsible for any damage or loss occurring as a result of references contained herein.”



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