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## Scottish education reforms – 10 years on

Last month marks the 10<sup>th</sup> anniversary of the commencement of the Education (Additional Support for Learning) (Scotland) Act 2004. The Act and regulations, rules and guidance that came with it introduced a number of changes, including:

- ‘additional support needs’ as the new terminology
- a new way of identifying and meeting the needs of children who need different or extra help with their education
- a new statutory education plan (the [coordinated support plan](#)) and mechanisms for resolving any disagreements between parents and their child’s school or local authority.

The Act, which was amended in 2010, placed greater emphasis on looked after children, and:

- specified that additional support was not restricted to education support in a teaching or classroom environment
- allowed parents to make assessment requests at any time
- widened the remit of the Additional Support Needs Tribunal for Scotland
- placed a duty on Scottish Ministers to collate and publish data.

Its main purpose, however, was to address an unintended anomaly in the 2004 Act which effectively meant that parents of children with additional support needs could not make placing requests for schools outside their local authority area, even though parents of children with no additional support needs could do so.

The National Autistic Society’s (NAS) [Education Rights Service](#) has advised over 2,500 families in Scotland on the 2004 Act, as amended, and their rights and entitlements since 2006. We also support parents with appeals to the Additional Support Needs Tribunal or to the Education Appeal Committee, although the vast majority of concerns and disagreements between parents and schools are in fact resolved without the need for formal dispute resolution mechanisms, and normally where the provisions of the Act, Regulations and guidance have been fully implemented.

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Autism remains the highest category of additional support need in appeals to the tribunal, and many families who contact us express concern over their child's school's lack of understanding and knowledge of autism and how it impacts on their child.

### **Improving education and learning**

To help schools and local authorities fulfil their duties under education and other legislation, such as the Equality Act 2010, many families feel that their child's education and learning experience would benefit from:

- a greater understanding and empathy of how autism impacts on the child as an individual
- their child's sensory needs being explored, understood and supported
- recognition that behavioural issues may be caused by the school environment and the underlying reasons or triggers being explored rather than only disciplining the child
- an understanding that the child may be highly anxious and the impact this has on their learning and wellbeing
- parents and their children being meaningfully involved and consulted as the [code of practice](#) suggests in chapter 7
- recognition that the '3 o'clock time bomb' may be caused by what is going on during the school day
- understanding that girls are less likely to be identified with autism and may present differently than boys
- focusing on the child reaching their full potential rather than merely managing or coping at school
- greater collaboration between education, health and other colleagues
- a greater awareness of the impact the physical environment may have on the child's sensory, learning and other needs.

### **Further resources**

[Education Rights Service](#)

[NAS Education and Transition resources](#)