



Additional Support Needs

DECISION OF THE TRIBUNAL

FTS/HEC/AR/24/0218

Witness List

Witnesses for Appellant:

The appellant

Witnesses for Respondent:

Headteacher School A (witness A)

Deputy Head Teacher, school B (witness B)

Education Support Officer (witness C)

Reference

1. This is a reference about the content of a co-ordinated support plan (**CSP**) for the child. The reference was lodged on 15 August 2024 and falls under section 18(1) and s.18(3)(d)(i) of the Education (Additional Support for Learning)(Scotland) Act 2004 (**2004 Act**).
2. The appellant asks the tribunal to require the respondent to make amendments to the child's CSP under s.19(4)(b) of the 2004 Act.

Decision

3. The tribunal requires the respondent to make the following amendments to the child's CSP, to and produce a fresh CSP containing these amendments by 16 January 2026, or by such other date as is agreed by the parties:
 - (1) Change 'autism' to 'ADHD' in the final bullet point under 'Disability/Health' within the 'Factors giving rise to additional support needs' section of the CSP.
 - (2) Add the following sentence to the first educational objective:

The aim is to increase the child's school attendance so that he is attending consistently for at least 50% of the school week by the end of June 2026.
 - (3) Add the following supports to those listed for the first education objective:
 - a. The child to be encouraged to use a visual timetable in the classroom.

- b. The child is to be encouraged to use a personal target board in his classroom, breaking down his learning into management chunks.
- c. The child is to be encouraged to use a box of resources in his classroom to assist with developing his fine motor skills.
- d. The child is to be encouraged to participate in sensory circuits to assist with developing his gross motor skills.
- e. The child is to be encouraged to use headphones when noise makes him uncomfortable.
- f. The child is to be encouraged to take movement breaks between activities.
- g. The child is to be encouraged to use a dedicated school-provided iPad for appropriate learning tasks.
- h. The child will take part in the Let's Introduce Anxiety Management (**LIAM**) programme as soon as possible after an autism friendly version becomes available.
- i. The child will have access to targeted 1:1 support when needed.

Process

- 4. The reference began as one seeking an order for a CSP to be made. Part of the way through the reference, the respondent agreed to make a CSP. The parties then agreed that the reference would become one about the content of the CSP.
- 5. The reference was managed to a hearing by a number of case management calls. The hearing took place over one day remotely.
- 6. We considered all available oral and written material. The written material in the bundle (including final written submissions) consists of the following page numbering: T001-058; A001-028; and R001-084.
- 7. We considered the views expressed by the child, as recorded by an advocate, in her report at T038-054.
- 8. The respondent sought permission under rule 33(6) of the Tribunal rules to take evidence from an additional (third) witness since the child has recently started attending secondary school, necessitating a witness from both his primary and secondary schools. The legal member granted permission since it was fair and just to do so for the reason stated by the respondent and given the lack of opposition from the appellant.

Findings in Fact

General findings in fact

- 9. The child lives with his mother, the appellant.
- 10. The child has autism, attention deficit hyperactivity disorder (**ADHD**), developmental coordination disorder, anxiety and has poor nutritional intake. The child does not have a

diagnosis of a condition relating to his poor nutritional intake, but he has appointments with a dietician every two weeks. He shows traits of Avoidant/Restrictive Food Intake Disorder. The child is prescribed medication for his ADHD.

11. These conditions mean that the child faces certain challenges/needs in life. These include: needing to know what will happen in advance, checking and double checking instructions, becoming overwhelmed by tasks he thinks will be tricky or that he does not immediately understand, becoming emotional, requiring a prompt for a break and anxiety returning to school following a holiday. The child sometimes is upset and distressed before attending school. The child becomes distressed in loud or busy places.
12. The child attended **school A** until he completed primary 7 there in June 2025. In August 2025, the child started attending **school B**.
13. Since primary 5, the child's anxiety at school has increased. This has led to him avoiding attending school some of the time. A bespoke timetable was introduced at school A to help the child to attend and engage in learning in school. This timetable continued until the end of his primary school education. The child also has a bespoke timetable at school B.
14. The child engages better in practical school activities rather than more academic ones.
15. Staff from school A met with school B staff to plan the child's transition from primary to secondary education from September 2024. That transition work included assistance from a pupil support worker (**PSW**) as a link between the two schools. The PSW (with whom the child has a positive and trusting relationship) continues to support the child. The transition work led to the preparation of an Individualised Education Plan (**IEP**) (R014-024), detailing supports and strategies to improve the child's engagement in learning and to develop his social interaction skills.
16. The child benefitted from targeted (not continuous) 1:1 support while in school A when needed.
17. On 13 May 2025, the respondent issued a CSP for the child (R001-009).

Provision for the child in school B

18. The child attends the enhanced provision classes in school B. School B is a mainstream secondary school with a roll of 1300 pupils and over 100 staff members.
19. The child has a full timetable available, but it was agreed in June 2025 that he would attend school each day from 8.30 am until noon. His current attendance rate is for two or three mornings a week for 2-3 hours. Recently, the child has been able to stay in school for longer. The appellant is often called and asked to collect the child before noon.
20. Staff at school B minimise verbal communication with the child, provide clear and chunked instructions using target boards and allow the child processing time and space. Resources are designed to reduce written work by the child. The child has a dedicated iPad provided by school B to support his engagement.
21. The child does well at school B when he attends. His confidence is growing. He especially enjoys baking and nature lessons. The child's social skills have improved at school B, including his confidence in small group settings.

22. The child sometimes requires 1:1 support to begin tasks. He sometimes participates independently in classroom activities such as answering questions and challenging the opinions of other pupils.
23. The child benefits from the following supports in school B:
- a. A visual timetable providing structure (R084).
 - b. A personal target board, breaking down his learning into manageable chunks, providing learning motivation.
 - c. A box of resources to assist with developing his fine motor skills.
 - d. Sensory circuit time during class registration, for his gross motor skills development.
 - e. Access to headphones when noise makes him uncomfortable.
 - f. Movement breaks between activities, to help with his constant need to move and to promote self-regulation.
 - g. An i-Pad to help him to access his work independently and with learning engagement.
24. Programme A is a provision for pupils who are at risk of being educated outwith the respondent's area and when all in-school supports have been exhausted. This programme provides support with emotional regulation, social communication and sensory processing. The child benefitted from Programme A sessions while attending school A. These sessions stopped when the child started attending school B. Access to Programme A is provided via the respondent's Programme B scheme and is externally commissioned by the respondent as education authority.
25. The child attended sessions with a Nature/Nurture practitioner before joining school B. The child attends activities of this kind at school B. He also attends social skills groups and 1:1 activities with his PSW.

Provision for the child from outwith school B

26. The child receives support from a specialist dietician at the Child and Adolescent Mental Health Service (**CAMHS**) to improve his nutritional intake. He has appointments every 3-4 months.
27. The child's ADHD medication is reviewed every 6 months by a psychiatrist in CAMHS.
28. The LIAM programme is a 12-week programme delivered in conjunction with CAMHS. The appellant asked that the LIAM programme is delivered when an autism friendly version is developed. This is expected to be available during the current academic year. School B staff have agreed to delay a referral on this basis and intend to refer the child once an autism friendly version is available. In the meantime, the respondent's educational psychology service has provided resources for the child's PSW, who is trained to deliver LIAM, to undertake with him.
29. The respondent's social work department funds the employment of a personal assistant for the child for 3 hours a week during school term time and 5 hours a week in the school holidays via its Self Directed Support scheme. This assists the child with community integration and provides respite support for the appellant.

Reasons for the Decision

30. The parties agree that the child has additional support needs, as defined in section 1 of the 2004 Act. We agree, as supported by our findings in fact at paragraphs 10, 11 and

13 above.

31. The respondent concedes that the child meets the conditions for production of a CSP in section 2 of the 2004 Act. It is on this basis that the respondent has produced a CSP. We agree that one is required. That CSP is dated 13 May 2025 (R001-009). It includes two educational objectives, one on school attendance and learning engagement, the other on local community experience opportunities. The respondent has offered to amend the CSP by adding wording to the first educational objective (see the text in green at R034). The appellant seeks a number of changes, a minor one to the 'Factors giving rise to additional support needs' text (red text, A014), changes to the wording of the first educational objective and the addition of several entries in the 'Additional Support Required' column against the first educational objective (red text, A015).
32. All of the witnesses who gave oral evidence did so in a credible and reliable fashion. Our decision turns on interpretation of the evidence and its application to the relevant statutory tests. Witnesses A and B are clearly very well qualified and experienced and in a good position to state their views on the appropriateness of supports for the child. They have a clear understanding of his educational needs. Witness C expressed the respondent's views on the appropriateness of the content of a CSP; the points relevant to her evidence are dealt with in the section below on legal questions around CSPs. The appellant gave her evidence in a clear, measured way.

A. Legal questions about CSPs

33. Four of these arise in this reference. We will now deal with each.
34. **Firstly**, do supports included in a CSP need to be supports that are likely to continue for more than 12 months? The respondent submits that they do. The appellant argues that they do not.
35. We prefer the appellant's argument. One of the statutory tests for a CSP is that the relevant additional support needs of the child require to be likely to continue for a year (2004 Act, section 2(1)(c)). The tests also require that the additional support required to meet those needs must be significant and must derive from a combination of sources (2004 Act, section 2(1)(d)). So, taking the plain and unambiguous words used by Parliament, the additional support needs are measured by their likely duration, while the support required to meet them is measured instead by its sources and significance.
36. This interpretation is supported explicitly by the **Code of Practice** (*Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended)*, Third Edition 2017), which we must take into account (2004 Act, section 19(7)) at paragraph 16 on page 71, final sentence as well as in the final sentence of paragraph 58 on page 85. The Code of Practice goes on to describe how the support should include any short-term support provided so that its impact on the achievement of the educational objectives can be determined (paragraph 60, page 85, second sentence). This lends further weight to the argument that the support need not be likely to last for more than 12 months.
37. The respondent argues that including short-term supports within a CSP would result in a significant number of CSPs becoming out of date and requiring review within weeks of being finalised. We do not accept this argument. When a support is required only on a short-term basis, there is no need for the CSP to be reviewed once it has ceased to be provided. The CSP must be reviewed at least once every 12 months (2004 Act section 10(2)). That is the only compulsory review period. An earlier review(s) may occur at the request of a specified person (2004 Act, section 10(4)-(5) and (3)(a)) or at the instigation

of the education authority (2004 Act, section 10(3)(b)). In the latter situation, the education authority may carry out a review if it considers it necessary or expedient to do so because of a significant change in the circumstances of the child since the time the CSP was prepared (or since the last review). It would be neither necessary nor expedient to review a CSP simply in order to remove support a requirement for which had come to an end. The text of the CSP could remain intact. In any event, such a situation does not give rise to a change in the child's circumstances: the support in question will always have been intended to be time limited. Indeed, there is nothing to prevent a CSP from setting out the expected time limit of a particular support, and encouragement for quantification of the support is found in the Code of Practice (paragraph 60, pages 85-86, repeated in the relevant column of the annotated CSP at page 160 of the Code of Practice).

38. We accept that there could be disagreement between about whether a support specified in a CSP is or is not still required. If such a disagreement cannot be resolved, the parent, child or young person may make a reference to the Tribunal for implementation of the CSP or for a change to its wording (2004 Act, section 18(3)(d)(i) or (ia)). However, as noted above, the Code of Practice encourages quantification of the support specified, which may be stated as a time period or number of hours, for instance. In such instances, when the time period or number of hours concludes, there is no point in reviewing the CSP simply to have the reference to the support removed: it has come to a natural end.
39. **Secondly**, what is the relevance of the content of the 'Additional support required' column of the CSP? This relates to the place in a CSP in which text appears. The appellant argues that certain additions to the 'Additional support required' (**ASR**) column she seeks are justified since they are supports that are already included in the CSP, but in a different place, namely in the 'Factors giving rise to additional support needs' section (**factors section**) and/or in the 'Profile' section.
40. The operational sections of the CSP that are compulsory are set out in section 9(2) of the 2004 Act. The purpose of these parts of the CSP is clear from the wording of section 9(2) when read alongside the wording set out in the statutory template, found in the schedule to The Additional Support for Learning (Co-ordinated Support Plan)(Scotland) Amendment Regulations 2005 (SSI 2005/518) (**the regulations**). The template in that schedule is the one that must be used (or one to substantially the same effect) for all CSPs (regulation 3). Regulation 3 is made under section 11(8)(a) and (b) of the 2004 Act.
41. What is clear is that the educational objectives need to be framed taking account of the content of the factors section (2004 Act, section 9(2)(a)(i)) and the additional support is to be that required to meet the educational objectives (2004 Act, section 9(2)(a)(iii)). In this way, these three key parts of the CSP (when added to the 'Persons providing the additional support' section), are connected.
42. However, only the content of the ASR column is judicially enforceable in the Tribunal. This is clear from the wording of section 18(3)(d)(ia) relating to failure to provide or make arrangements for provision of the additional support. That part of section 18 refers specifically to the support identified by section 9(2)(a)(iii), in other words the support specified in the ASR column of the CSP. So, if support is mentioned elsewhere in the CSP (such as in the factors section), its provision cannot be enforced through the Tribunal.
43. The role of the factors section is clear from section 9(2)(a)(i) of the 2004 Act and from the statutory annotations to the template CSP in the schedule to the regulations. In the latter, it states: '(here set out the factors which give rise to the child's/young person's

additional support needs)'. The Code of Practice elaborates by indicating that the factors may be diagnostic (such as autism spectrum disorder, learning disability or clinical depression) or they may be more descriptive and related to personal circumstances (paragraph 53, page 83). Later, in the annotations to the CSP in Appendix B, the Code of Practice refers to four broad themes for the factors, namely learning environment, family circumstances, disability/health and social/emotional (page 159). While the factors section of the current CSP is split into three of these theme areas (not including family circumstances), some of the information there represents supports the child needs, not factors giving rise to the needs served by those supports.

44. So, the factors section should not contain information about the support required. This is important in this reference since in relation to some of the proposed ASR column additions, the appellant relies on the mention of those supports in the factors section of the child's CSP. The argument is that if the respondent acknowledges the need for such supports in the CSP, they ought to be stipulated in the ASR column. Not only is that the correct place for them, but this would allow the provision of these supports to be enforceable.
45. The respondent does not address this specific point in its final submissions, lodged following the appellant's. The respondent simply states that the supports required are in the Profile section (final submission, paragraph 27). However, supports do not belong there. Indeed, the Profile section is not one of the parts of a CSP required under section 9(2) of the 2004 Act. While it is included in the template in the regulations, it comes with the following guidance on content: 'here set out a summary of the child's/young person's skills and capabilities and any other relevant information'.
46. Given the above analysis, most of the changes we require involve moving supports mentioned elsewhere in the CSP to the ASR column.
47. **Thirdly**, which part(s) of the CSP content require to be co-ordinated? The appellant argues that only the educational objectives require co-ordination. The respondent argues that this applies to both the educational objectives and the required support.
48. We prefer the appellant's position. This approach attracts support from the statutory annotations to the prescribed template and from the Code of Practice.
49. On the former, the annotation to the Educational Objectives column is as follows:

(here set out the educational objectives that require co-ordination of support for the child/young person taking account of the factors giving rise to additional support needs)
50. The annotation to the ASR column does not mention co-ordination.
51. The Code of Practice corroborates this approach where it states that the educational objectives will require the co-ordination of services if they are to be achieved (paragraph 57, page 85, second sentence). In discussing the ASR column content, the Code of Practice does not mention the need for co-ordination (paragraph 60, pages 85-86). This is further supported by examples of ASR content in the Code of Practice: in each of the three examples given at the end of paragraph 60 (page 86), only one agency is involved. Further, earlier in that paragraph ASR column examples such as teaching and other staffing arrangements, information communications technology resources and particular approaches to teaching and learning only involve educational support.
52. For all of these reasons, we conclude that only the educational objectives in a CSP

require co-ordination.

53. We should add that we do not accept the appellant's argument that the tests for the creation of a CSP have served their purpose once a CSP has been issued. Circumstances could arise where the CSP tests are no longer met (or are only partially met), for example when the co-ordination element no longer applies to some or all of the educational objectives, or when none (or only some) of the additional support required for a particular educational objective remains significant. This could lead to a CSP being discontinued, or to the amendment of its content. On the other hand, an education authority may retain the objective(s) and support(s) in the CSP (or the CSP itself) even although they are not required under the 2004 Act.
54. **Fourthly (and finally)**, what is the proper relationship between the CSP and other planning documents for a child/young person, in particular between the CSP and IEP? The appellant argues that supports within an IEP may also be included in a CSP. The respondent's position is that an IEP is a working document that is flexible and responsive to need and should be reviewed on a termly basis or earlier if required, while the content of a CSP is generally expected to be relevant for 12 months, and so is intended to have a longer lifespan.
55. The parties' positions on this point are not inconsistent with each other. The Code of Practice notes that it is the educational objectives that are expected to be achieved over the course of the next year (paragraph 58, page 85, second and final sentences). This influences the content of the educational objectives and (in turn) the support needed to meet them. However, as noted above, the support needed to meet an educational objective need not be likely to last more than a year. Some supports may, others may not. This means that some of the supports that appear elsewhere in planning documents (such as in an IEP) might be relevant for inclusion in a CSP. It is important to note that IEPs do not hold statutory status (unlike a CSP, which is Scotland's only statutory education plan). This means that comparing an IEP with a CSP is an artificial exercise. It is not correct to split the planning to meet a child's additional support needs between the two documents, so that some content goes into an IEP (or similar planning document) and other content goes into a CSP. The proper question is: what is appropriate content for the CSP taking account of the factors giving rise to the additional support needs leading to the educational objectives which can reasonably be completed over the course of a year or more and the support needed to meet those objectives? The answer reveals what must be included in the CSP.
56. To put it another way, once an educational objective in a CSP is framed, all of the additional support required to meet it must be included. That is the ordinary and natural interpretation of the words 'for the provision of additional support' in section 2(1) of the 2004 Act, when considered in its context. This phrase is unlimited.
57. Having answered these four preliminary questions, we will now consider each of the requested changes to the CSP.

B. The changes (using numbering from paragraph 3 above)

Change (1): a correction

58. This is simply a correction, replacing 'autism' with 'ADHD' in the factors section on page 4 of the CSP (A014). This is merited by the evidence and is not disputed.

Change (2): educational objective wording

59. The change sought by the appellant seeks to make the attendance part of the first educational objective more specific. This is merited in general, given the encouragement in the Code of Practice to make the objectives specific enough to enable them to be monitored and reviewed as to progress over time (paragraph 58, page 85). However, the evidence of witness B was to the effect that by the end of the current academic year it would be reasonable to expect the child to attend all morning classes and possibly some in the afternoon. The appellant was hopeful that the child would, within that timescale, attend for two whole days. We do not think it is helpful to specify in the educational objective a particular configuration for the child's attendance. We prefer to quantify the period in percentage terms, so that this allows some flexibility between morning and afternoon attendance. So instead of '5 half days' as sought by the appellant, we have specified 'at least 50%'. We have not included the appellant's sought staged approach of moving to 5 half days followed by full-time attendance: it is simpler to have a single target by the end of the academic year.
60. For similar reasons, we opted not to adopt the respondent's suggested changed wording (in green at R034).
61. The evidence does not support a reasonable prospect of full-time attendance by the end of the current academic year. Neither witness B nor the appellant in their oral evidence thought this would be reasonable. The child's attendance, around halfway through the academic year, is less than 50% (R083). The child referred to a full school day being too much in his advocacy report (T043). A more restricted, realistic objective than that sought by the appellant is added. This does not preclude the school from achieving more, of course.

Changes (3) (a)-(g): visual timetable, personal target board, resource box, sensory circuits, headphones, movement breaks and I-Pad

62. For each of these changes, our approach is the same: the current CSP and the evidence (oral and written) support their inclusion as relevant to the attainment of the first educational objective. Each of these supports are specified as available to the child in the factors section or the 'Profile' section (or both) of the current CSP.
63. Each of these supports self-evidently contribute to both parts of the first educational objective: the child's attendance and engagement: any support that reduces the child's anxiety and the negative aspects of his conditions (see findings in fact at paragraph 11 above) will have a positive impact on both. The respondent does not argue otherwise.
64. We have used the wording 'to be encouraged' for each of these supports, since simply providing for access to them is not as practically effective: it is important that these supports are used by the child as much as possible.

Change (3)(h): LIAM programme

65. We refer to the findings in fact at paragraph 28 above. While we accept that the programme is not currently available to the child until it is made autism friendly, the evidence indicates that such a version is likely to become available during the current academic year. This makes it a suitable support for inclusion in the CSP, but on a conditional basis. There is nothing in the 2004 Act or the Code of Practice that precludes a conditional support being included in the ASR column. Given the stage in the current academic year (around halfway through), its inclusion on a conditional basis is appropriate as it may prevent the need for a review of the CSP for its addition if it were left out entirely.

Change (3)(i): 1:1 support

66. We refer to the findings in fact at paragraphs 16, 22 and 25 above. The requirement for 1:1 support for the child whenever he is undertaking academic work (as sought by the appellant) is not justified by the evidence. Witness A explained that the child sometimes had 1:1 support while at school A, but he did not need it all the time. Witness B explained that the child sometimes needs 1:1 support to start tasks, but he does not need it all the time. As a specialist tribunal we are aware of the need for balance in the allocation of 1:1 support: when it is needed it is a valuable resource; when it is not, it can represent a barrier to independent learning. This is clearly what witness B was referring to when she stated that the child does not need a person sitting next to him all the time and that he is 'more capable than that'.
67. Given that the evidence indicates that the child does need 1:1 support for some of his learning, its inclusion as a required support in the CSP is justified, so we have included this support, but on a more limited basis than sought.

Changes sought and refused

68. There are two of these. We will now explain why we decline to make these changes.
69. The first relates to resumption of sessions with Programme A and Programme C . We refer to our findings in fact at paragraphs 24 and 25 above. The eligibility test for accessing the former support is no longer met, and Programme C provision is now included in the child's timetable at school B.
70. We do not accept the respondent's argument that as these services are commissioned by the respondent rather than provided from within their own services, and they are not provided by appropriate agencies under section 23 of the 2004 Act, that they may not be included in a CSP. Any services commissioned by an education authority must, by definition, involve the provision of education by that authority. The fact that the provision is delivered (under a contract) by an organisation that is not a part of the structure of the education authority does not preclude inclusion of the support in a CSP. The 'Persons providing the additional support' in the CSP is still the education authority. While that is our view, we need not decide this point one way or the other since these supports are not being included for other reasons.
71. The second sought change we refused is the inclusion (as a support) of an obligation on the respondent to ensure that the child's IEP and Behaviour Plan are implemented. On the Behaviour Plan, that is a reference to a Behaviour Support Plan which has now been discontinued for the child following his enrolment at school B.
72. It is not appropriate for a CSP to incorporate by reference the content of other planning documents for the child. As noted earlier, all supports required to meet an educational objective in a CSP should be specified in it. If this means taking the wording of supports from other plans and placing them into the ASR column of a CSP, then that is permitted: the same support may appear in a CSP and an IEP, for instance. The proper reference point is not where the support is mentioned, but whether it is needed to meet the educational objective to which it is attached.

Paragraphs 21, 24, 25 and 69 in this decision have been edited by the Chamber President to maintain privacy under rule 55(3)(b) of the First-Tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018.