

**Are you in the
right place?**

This guide is to help children who want to make a reference to the Additional Support Needs part of the Tribunal - we call this “the Tribunal” in this guide.

Children’s Guide - How to Make a Reference



Hello!



Welcome to the Additional Support Needs part of the Tribunal. We call this “the Tribunal” in this guide. You can check our “needs to learn” website for other help.



You are not on your own. The Tribunal’s staff are here to help you.



If you want to change the support you get at school then you can make a **reference** to the Additional Support Needs Tribunal. To do this, please fill in the “Make a Reference” form which is available on our [website here](#).

This guide helps you fill in the form to **make a reference**.

If you think you have not been treated fairly at school then you can make a **claim**. To do this, you will need to fill in the “Make a Claim” form which is available on our website [here](#).



To help you



In this guide there are some words which you might not know. If the word is in **blue** then you will find the meaning of the word at the back of this guide under “Word meanings”.

Who can help?



You are not on your own. If you decide you want to make a reference, you can get help from different people or groups.

The **Tribunal** is a legal body, independent from your school, social work or the NHS. The staff at the **Tribunal** can help you. You can write to us, or call or email us.



Telephone: 0141 302 5860

Additional Support Needs, Health and Education Chamber

First-tier Tribunal for Scotland

4th Floor, 1 Atlantic Quay

45 Robertson Street, Glasgow, G2 8JB

email: ASNtribunal@scotcourtribunals.gov.uk

Other organisations who can help are:



My Rights, My Say is a free support service

Telephone: 0345 123 2303

www.reach.scot/myrightsmysay

ENQUIRE

Enquire is an advice service for additional support for needs and education.

Telephone: 0345 123 2303; Email: **info@enquire.org.uk**



Equality Advisory and Support Service (EASS) is a helpline which advises and assists people on issues relating to equality and human rights.

Telephone: 0808 800 0082; Textphone: 0808 800 0084

You can also write to them at:

Freepost
Equality Advisory Support Service
FPN4431

Make a reference



If you have **additional support needs** and want to challenge or change something about your school education, you can appeal certain decisions made by your **Education Authority**. These appeals are called **references**.



Can I make a reference?

The law says you can make a reference yourself if:

1. You are aged between 12 and 15 years old, **and**
2. You have **capacity** to make the reference, **and**
3. Making the reference does not harm your **wellbeing**.

The **Tribunal** will need to decide if you have **capacity** to make the reference **and** that making the reference will not harm your **wellbeing**. The **Tribunal** will look at what it is you are concerned about, what you want to happen and your level of maturity and understanding of the issues.

If you need to use a communication aid or if you need help from someone to communicate, this is not a problem and this will not affect the decision the **Tribunal** makes on your capacity.

A **parent** can also make a reference to the **Tribunal** on your behalf.



You must make your reference on time. The deadline for sending this form to the Tribunal is 2 months from the date of the decision or failure that your reference is about.



How to complete the reference form

To make a [reference](#) you need to complete the “Make a Reference” form.

You can complete the form yourself. If you have someone representing you they can complete the form for you or help you to complete it. If you have an [independent advocate](#), they can help you to complete the form.



Your Contact Details

On page 3 of the form, please tell us your contact details so that we can contact you.



The law says that the [Tribunal](#) can only send certain information by email. The [Tribunal](#) may need to send you information by post.



Your **Parent/ Carer/ Guardian's** Contact Details

On page 4 of the form, please tell us the contact details for your parent or carer. This can also include any guardian and any person who has parental responsibilities for you, for example a grandparent.

You don't have to tell us this, but it helps us, if your parent/carer/guardian decides to attend the hearing.

Your School/ Education Authority

On page 5 of the form, you must tell us who your **Education Authority** is.

The **Education Authority** is the local authority (Council) who is responsible for your education. This will usually be the Council for where you live.

Your Additional Support Needs



Some children need extra help at school so they can get the most out of their education. This is called having **additional support needs**. There are lots of reasons why you might have **additional support needs**.



For example you may:

- Find it difficult to control your behaviour or emotions
- Have a disability
- Be bullied
- Care for someone at home
- Be looked after or in care
- Have problems at home
- Move house or change schools a lot
- Be particularly talented

On page 6 of the form, please explain what your **additional support needs** are.

There may be more than one reason for your **additional support needs**. That is okay. The **Tribunal** will want to know about all the reasons.

You should also send the **Tribunal** any letters or documents from health, social work or school professionals which describe your needs and what help you need.



Your Reference

You can make a [reference](#) to the [Tribunal](#) for different reasons. For example, you may:

- disagree about your assessment for a [Co-ordinated Support Plan](#)
- disagree about whether you need a [Co-ordinated Support Plan](#)
- disagree about what is in your [Co-ordinated Support Plan](#).
- disagree about your [capacity](#) to take decisions about your education
- disagree about the support you are or are not getting

There is an Information Note (04 2018 Making a reference) which gives more detail about the types of [reference](#) you can make. This is available [here](#).

On page 7 of the form, explain what your [Education Authority](#) has done (or not done) which you disagree with and why you want to make a [reference](#). You need to explain:

- ✓ What type of reference you are making
- ✓ What decision your [Education Authority](#) has made
- ✓ The date of the decision
- ✓ Why you disagree with the decision
- ✓ If you have a [co-ordinated support plan](#) (and, if so, what date it was made)
- ✓ What issues (if any) there are with your [co-ordinated support plan](#)
- ✓ What help you need but do not get
- ✓ If any other [Education Authority](#) involved

Give as much information as you can.



Your Supporting Information

You may have letters to/ from the school or [Education Authority](#) and papers (such as a [Co-ordinated Support Plan](#) or the decision letter that you disagree with) that you think support your reference.

Send copies of these to the [Tribunal](#) with your [reference](#) form.



Page 8 of the form also has a space for you to explain anything else which you would like to tell the [Tribunal](#) to help them understand your reference.



You should also think about any people you wish to come to your [hearing](#) to speak about the issues you have described in your reference (we call them 'witnesses') and write their names and addresses and how they can be contacted on the form.



Your Voice

Your voice, feelings and opinions matter.

The **Tribunal** will do its best to help you overcome any difficulties that you have when making your reference.



If you need help to communicate or if you require other support, for example, larger font, the use of your mobile phone or a tablet when you are at the hearing, this is not a problem.

Please let us know by filling in page 10 of the form. Explain what communication difficulties or other support needs you have and what the Tribunal can do to help during the **hearing**. Let us know if you would like to have something of your own in the hearing room, to help you feel more relaxed.



Your Representative

You have the right to have someone act as your representative when you make a reference. This could be someone who is not legally qualified but experienced in representing children at Tribunals or someone who is a lawyer.

A representative will ask questions on your behalf. They will explain your views to the Tribunal – but you can also speak to the Tribunal yourself at the [hearing](#).

It is important that you tell us who will be representing you so that we make sure they have all the information that they need.

If you already know who is going to be your representative then please tell us their contact details by filling in page 11 of the form.

If you name a representative, we will normally send all of our letters and correspondence to them.

If you do not have someone to represent you then a good place to start is by contacting the Children's Support Service – My Rights, My Say.



Your Supporter

As well as having a representative, you are also entitled to have someone attend the [hearing](#) to support you. This could be someone from home or a friend who knows about your disability and how it affects you.

Your supporter will not be able to speak on your behalf in a [hearing](#) but she or he will be able to sit in with you during the [hearing](#).

You do not need to tell us their contact details now but if you know who this will be, please tell us their contact details by filling in page 12 of the form.

If you are unsure who to bring then you can contact the Children's Support Service - My Rights, My Say, or ask Enquire for advice.

Finishing Your Form

When the form is complete, please sign it and send it and any supporting information to the **Tribunal** by email or post. Remember to **keep your own copy** of everything that you send.



Remember: You must make your reference on time. The deadline for sending this form to the Tribunal is **2 months** from the date of the decision or failure that your reference is about.

After you have sent your reference to the **Tribunal**, your form will be passed to a **case officer**. The case officer will:



1. Be your contact at the **Tribunal** and let you know what is happening
2. Check that the form has been given to the **Tribunal** within the correct time
3. Check that the information on the form is correct
4. Let you know if the **Tribunal** can deal with your **reference**



For more information about what happens next, please visit our website which has lots of useful information: www.healthandeducationchamber.scot



If you have any questions you can contact the **Tribunal** on 0141 302 5860



Word meanings

In this guide there are some words which you might not know. If the word is in **blue** then you will find the meaning of the word here.

Additional Support Needs - the reasons why you are not able to benefit from school education without additional support.

Children who have additional support needs may include those who:

- are looked after or care experienced
- have motor or sensory impairments
- have a mental health problem, for example anorexia nervosa
- are being bullied
- are particularly talented
- have a learning disability, for example Down's Syndrome
- have a learning difficulty, for example dyslexia
- are living with parents who are abusing substances
- have emotional or social difficulties
- are young carers

Capacity - this means the legal ability to do something.

Case Officer – a member of Tribunal staff who provides administrative support. The case officer is not a Tribunal member. The case officer is your contact person at the Tribunal.

Claim – an appeal to the Tribunal that an education authority or trustees have discriminated against a person because of a disability.

Convener – an experienced lawyer, who is the legal member of a tribunal.

Co-ordinated Support Plan (CSP) - a legal plan the education authority must put in place for your education if you have complex additional support needs that are likely to last for more than 1 year and that need a great deal of support from outside the education department, for example from the NHS or the social work department.

A CSP will contain a lot of information about you including what your additional support needs are, your educational objectives, the support you need to achieve those objectives and who should provide the support.

Education Authority - the local authority (Council) who is responsible for your education. This will usually be the Council for where you live.

Hearing – a legal meeting where a tribunal listens to evidence from witnesses and hears legal arguments from representatives before it comes to a legal decision.

A tribunal hearing does **not** take place in a court.

Independent Advocate – a person who supports a child to give their views.

They are called ‘independent’ because they are not part of the Tribunal or the education authority and have no personal interest in the dispute.

They are called ‘advocates’ because they can speak on your behalf.

Parent – this is usually your mum or dad. The law says that this can also include any guardian and any person who has parental responsibilities for you, for example a grandparent.

Physical or mental impairment - something that makes it difficult for you to carry out your ordinary day to day activities without extra help or adjustments. This could include conditions like cerebral palsy or autism.

Reference – an appeal to the Tribunal about a decision or failure to do with a CSP, or an appeal against your education authority's decision about your capacity or wellbeing.

Responsible Body - the organisation that is responsible for any discrimination against you.

If you attend a local authority (Council) school then it will be the education authority (Council) responsible for the school. If you attend a private or independent school then it will be the owners of the school.

The Tribunal – in this guide it means the Additional Support Needs part of the Health and Education Chamber of the First-tier Tribunal for Scotland. Its logo looks like this:



The Tribunal has nothing to do with your school, social work, education authority or the NHS.

The Tribunal is a panel of 3 people who will consider a claim or reference and make a decision. One will be a convener who is an experienced lawyer and the other two are specialist members, with expertise in education, social work or health.

Trustees - the people who are responsible for managing a private or independent school. This means a school not run by a Council.

Wellbeing - the law says this means assessing how safe, healthy, achieving, nurtured, active, respected, responsible and included you are.