



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1237](#)

**Main Petitioner:** David Ballantine

**Subject:** Calls on the Parliament to urge the Scottish Government to consider the need for legislation to provide a standardised assessment of all schoolchildren by the age of 8 which will inform parents, pupils and educators as to whether the pupil is at risk of developing a specific learning difficulty.

### **Introduction**

In the background documents provided with the petition, the petitioner argues that more boys than girls have specific learning difficulties and that there are links to mental health disorders, anti-social behaviour and problems with addiction.

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

The Education (Additional Support for Learning) (Scotland) Act 2004 (the Act), in force since November 2005, created a framework for local authorities and other agencies to support all children with additional support needs (ASN). The Act created a broad definition of ASN which includes all children, who, for whatever reason, require additional support to benefit from school education. Some children will require co-ordinated support from a range of agencies, and may require a Co-ordinated Support Plan (CSP). The CSP is a statutory document, subject to regular review and monitoring.

### *Assessment*

Local authorities are required by the Act to assess those children for whose education they are responsible and make adequate and efficient provision for the additional support required.

The Act does not prescribe any particular model of assessment or intervention. Assessment is seen as a dynamic and ongoing process and it will usually involve discussion between parents and professionals regarding a child and their circumstances. The purpose of assessment is to help identify the actions required to maximise development and learning.

Local authorities use a range of approaches to support assessment and intervention. Such approaches are built around discrete stages of intervention which seek to resolve difficulties as early as possible and with the least intrusive course of action. The statutory [Code of Practice](#) supporting the Act illustrates some of the common features to be found in most staged assessment and intervention models (see page 27).

### *Requests for Assessment*

The Act also gives parents and young people the right to request a specific type of assessment when the education authority proposes to establish whether a child or young person has ASN or requires a CSP (or where the CSP is being reviewed).

The request may be for an educational, psychological or medical assessment, or any other type of assessment/examination the parents wish for. The local authority must comply with the request unless it is unreasonable to do so, for example, when it is not in the best interests of the child, or an assessment has already been carried out. Where other agencies are involved in carrying out an assessment, for example from an NHS Board, they also have a duty to comply with such a request, unless the request is incompatible with their own statutory duties.

The Act also provides a range of mechanisms to resolve any disagreements between parents and the education authority. Please see briefing for Petition [PE1213](#).

### **Scottish Government Action**

The Scottish Government has introduced the [Education \(Additional Support for Learning\) \(Scotland\) Bill](#) (the Bill) will make amendments to the 2004 Act.

The Bill proposes a number of technical changes in order to give better effect to the original policy intention. The main proposal is to allow 'out of area' placing requests to be made by parents of children with ASN, so that a child may attend a school in different authority to that in which they live.

The issue of standardised assessments is not something which has been emphasised by respondents to the Scottish Government's consultation on the Bill.

### **Scottish Parliament Action**

The Education, Lifelong Learning and Culture Committee has been designated as lead Committee on the Bill. The Committee is going to begin taking Stage 1 evidence on the Bill on Wednesday 3 December 2008. Written evidence received by the Committee is available on the Committee's [webpage](#).

### **SPICe Briefings**

SPICe Briefings are available on the [Additional Support for Learning](#) framework and the [Education \(Additional Support for Learning\) \(Scotland\) Bill](#).

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