

additional support needs

**REFERENCE FORM FOR YOUNG
PEOPLE (FROM AGE 16)**



Introduction

This form is available in larger font and in other languages.

The Education (Additional Support for Learning) (Scotland) Act 2004 gives parents, young people (aged 16 or above who remain in school education) and (in certain circumstances) children aged between 12 and 15 years the right to make an appeal to the Additional Support Needs part of the Health and Education Chamber of the First-tier Tribunal for Scotland (we call this the "Tribunal" in this form). Appeals can be made about certain decisions made by the education authority. These appeals are called references. This form is your reference to the Tribunal.

Page 10 of this form list the types of decision the Tribunal can deal with.

If you are a young person making your own reference you should respond to questions about 'your child' as being questions about you.

If you are making a reference for a child or young person, the term 'parent' takes the meaning which is set out in Section 135(1) of the Education (Scotland) Act. A 'parent' could include:

- a guardian;
- anyone who has care of the child or young person;
- anyone who is liable to maintain the child or young person; or
- anyone who has parental responsibilities for the child or young person.

If you are a child aged between 12 and 15 years, you can complete your own form, which you can access here:

<https://www.healthandeducationchamber.scot/needstolearn/make-reference>

To help us:

We need to know what decision or problem you are making a reference about.

- It is possible that your reference is about a failure to act by the education authority. In such cases there may not be something in writing about that alleged failure. You may have a valid reference in such cases, depending on the circumstances.
- Your reference may have been prompted by a decision or step taken by the education authority and which has been confirmed by the education authority in writing. If that is the case, please enclose that written material (or a copy of it) with this reference form.

To help you:

- There is information on our website at:
<https://www.healthandeducationchamber.scot/additional-support-needs/publications/information-notes>
- If you don't have access to the internet, call us on 0141 302 5860 and a copy of the information notes can be sent to you.

When you have completed the form please send to:

**Additional Support Needs
Health and Education Chamber
First-tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT**

Please do not delay, as a reference should be received **within 2 months** of the education authority's decision or the issue arising. If it has been longer than 2 months, please give as full an explanation as possible as references may be accepted beyond the normal time limit if there is good reason for the delay.

Section 1

This is a notice of reference by a young person to the Tribunal under section 18(1) of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended.

Your contact details:

Full name:

Known as:

Date of Birth: Male/Female/Non-Binary

Address:

Postcode:

Telephone: Mobile:

Email:

Fax:

Your Parent/Carer/Guardian's contact details:

You don't have to tell us this, but it helps us, especially if your parent/carer/guardian may wish to come to the hearing.

Full name:

Relationship to you:

Address:

Postcode:

Telephone: Mobile:

Email:

Fax:

The Education Authority

Which education authority has made the decision you disagree with or failed to make a decision which you expected?

Education authority

Address:

Postcode

Telephone

Education Officer's Name

Education Officer's Email

Other details about you and your reference

Are you looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995)?

Yes No

Have you used a mediation service to try to resolve the issue you are making this reference about?

Yes No

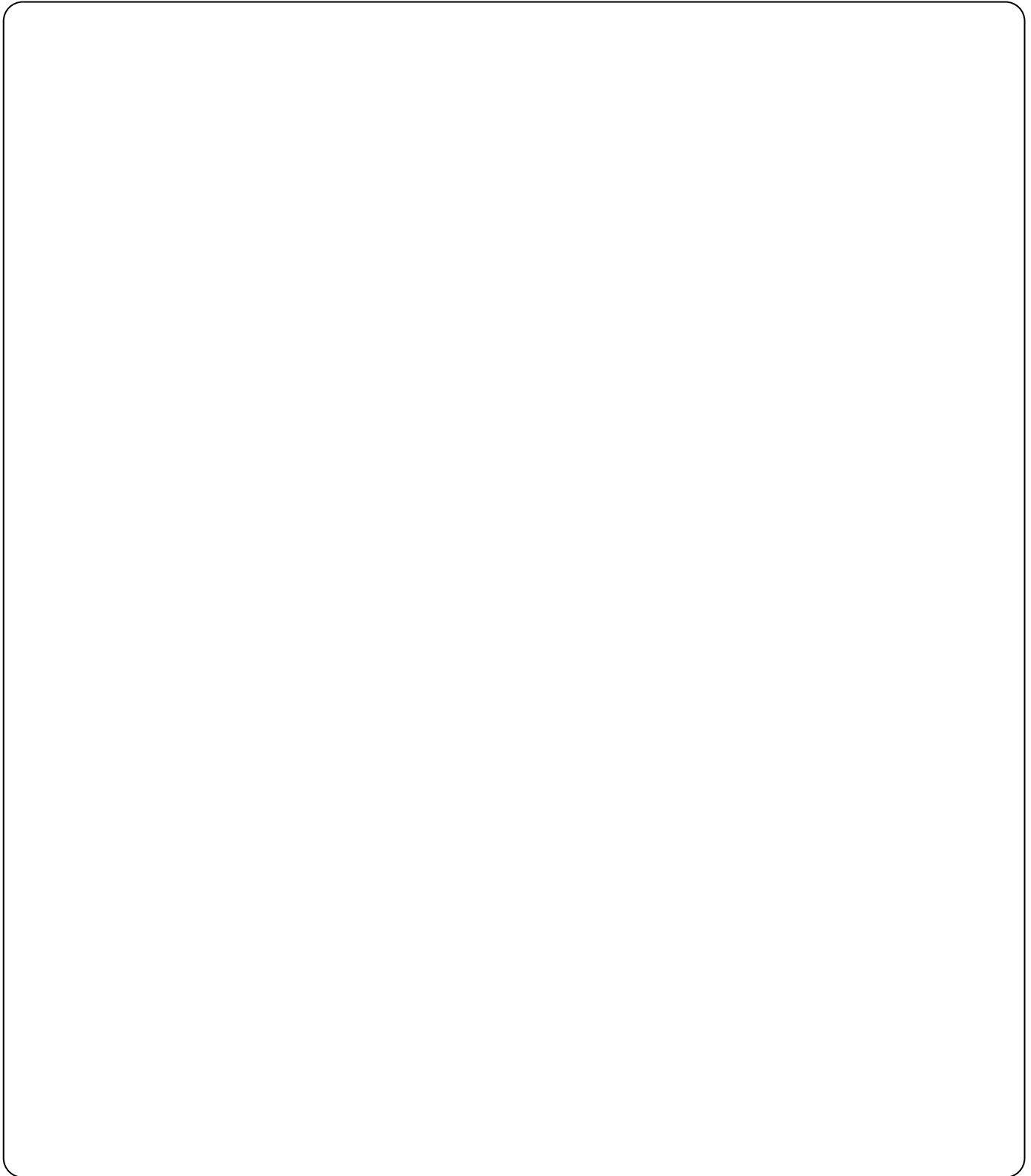
Has there already been a reference to this Tribunal or to the Additional Support Needs Tribunal for Scotland about you?

Yes No

If yes, please provide the reference number (if known)

Your additional support needs

There are lots of reasons why you might have additional support needs. Please give details below of what your additional support needs are:



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.

Section 2 - Communication and other support needs

We will do our best to meet any communication or support needs you may have; there will be no cost to you. For instance, if you need our correspondence translated or in a larger font, please let us know.

You can explain any communication or support needs you have and how the Tribunal can help during the process in the box below.

Section 3 - Your representative (if you have one)

You have the right to have someone act as your representative when you make a reference. It could be someone who is experienced in representing at Tribunals or someone who is legally qualified like a solicitor.

Let's talk ASN Scotland is a free service for young people (aged 16 years and above) with additional support needs who may require support in relation to a dispute or potential dispute with an education authority. Let's Talk ASN Scotland is a joint initiative of Govan Law Centre and Barnardo's. It is funded by the Scottish Government.

The service can be used by anyone who has the right to make a reference to the Tribunal. The Let's Talk ASN Scotland service offers specialist independent advocacy throughout the process, and all cases are supervised by an experienced education law solicitor.

Let's Talk ASN Scotland - Telephone: 0141 445 1955; Email: advice@edlaw.org.uk

If you have a representative, all our letters and correspondence will normally be sent only to them.

If you decide to make a reference without a representative, the Tribunal will help you to present your case.

If you send your reference without naming a representative but later change your mind, a representative can be added at any time before the hearing but you must write to us and confirm your representative's details. If you change your representative, you must also write to us with the details as soon as possible.

In addition to a representative you are entitled to have someone attend the hearing to support you. This could be someone from a support group or a family member or friend who knows what your additional support needs are and how they affect you. Any supporter will not be able to take any active part in the hearing.

Enquire, the Scottish advice service for additional support for learning, can provide details of support and advocacy groups in your area. You can contact them on: 0345 123 2303 or www.enquire.org.uk

Representative's details

Mr/Mrs/Miss/Ms/Other:

Full name:

Company or Organisation:

Profession

Legal

Non-Legal

Address:

Postcode:

Telephone: Mobile:

Email:

Fax:

Independent Advocate

If you have an independent advocate please provide details:

Mr/Mrs/Miss/Ms/Other:

Full name:

Company or Organisation:

Profession

Address:

Postcode:

Telephone: Mobile:

Email:

Fax:

Section 4 – About my Reference:

In the space below, explain what your education authority has done (or not done) which you disagree with and why you want to make a reference.

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 on our website [here](#)

Give as much information as you can.

You must send this form to the Tribunal within 2 months from the date of the decision or failure that your reference is about.

Please complete below any relevant date that applies to your reference if you have not included this in the space above:

I received the decision from the Authority on

The decision from the Authority was due by

I made the request to the Authority on

My Co-ordinated support plan was made on

Section 5 - Supporting information

It is helpful if you can provide as much relevant information as possible with your reference. We expect you to enclose any relevant documents you have although you may produce further evidence later. In particular, you should enclose a copy of any decision in respect of which the reference is made, any correspondence requesting the decision, a copy of the most recent coordinated support plan (if there is one) and documents relating to the additional support needs.

Please use this page to provide further information and to list the additional documents you are sending with the reference.

Section 6 – United Nations Convention on the Rights of the Child (UNCRC)

If you wish to rely on the rights in the UNCRC as part of your reference please tell us here. You can make an application (reference) to this Tribunal if you think a public authority has acted in a way which is incompatible with the UNCRC, provided we have jurisdiction to grant the remedy(ies) you are looking for.

You will find the content of the UNCRC Articles here: [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) (legislation.gov.uk) (schedule to the 2024 Act).

You should do the following in the box below:

- State which UNCRC Articles you rely on and explain why.
- State the remedy(ies), relief or orders (outcome) you wish to see as a result of the public authority's alleged act, or failure to act, in a way which is incompatible with the UNCRC. You can use different ways to communicate this, including writing, drawing, speaking in person or sending a video message. You can speak to the Tribunal about this.

Section 7

The Tribunal also deals with claims of disability discrimination relating to pupils in school education.

If you have made or are making a claim on disability discrimination, would you like the Tribunal to hear this reference at the same time as your claim (if it is considered appropriate to do so)?

Yes

No

Date you sent your claim in:

Claim number (if you have already been given one):

Other Appeals

Do you have an appeal (which has not yet been decided) at the Education Appeals Committee?

Yes

No

Do you have an appeal (which has not yet been decided) at the Sheriff Court?

Yes

No

Section 8

Declaration

I declare that the information provided in this form is correct.

I give my permission to send correspondence by fax/ email: **Yes** **No**

Please note, for Data Protection purposes any case sensitive information can only be released to a secure email address. If you or your representative do not have a secure email address then all case sensitive information will be sent by post.

Signature:

Print Name:

Date:

Final Checklist - Have you:

- Signed this reference form?
- Enclosed the decision letter you disagree with (if any)?
- Enclosed the most recent Co-ordinated Support Plan (if one exists)?
- If you have made a placing request for an independent school, enclosed a letter from the school in relation to whether a place is available for you?
- Enclosed and listed all the relevant documents you think might help the Tribunal?

Once you have filled in the form, make sure that you have signed it if it is not being submitted by email.

Then, please send the form and all other relevant documents to us at:

**Additional Support Needs
Health and Education Chamber
First-tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT**

This reference form can also be emailed to
ASNtribunal@scotcourtribunals.gov.uk

What Happens Next?

We will check your reference form to see if the Tribunal can deal with the matters you have raised. If we need further information, we will contact you.

When we are sure that we can proceed, we will register your reference. We will then send you guidance about preparing your case statement (the case statement is a document where you set out your case in full). We will copy your reference to the education authority when it is registered and also your case statement (once you have prepared it) so they can respond. There is an information note on making a reference on the Additional Support Needs section of the Health and Education Chamber website:

<https://www.healthandeducationchamber.scot/additional-support-needs/publications/information-notes>

You are given 15 working days to prepare your case statement in circumstances when the education authority has failed to provide a Co-ordinated Support Plan within the required timescales.

In all other circumstances, you are given 20 working days to prepare a case statement. The education authority has a further 10 working days to produce their response to this. You might think you have submitted enough information in your reference. You do not need to prepare a case statement but you may need further time to consider if there is any other information which might assist the Tribunal to understand your needs.

If you want your case to proceed as quickly as possible or think you may need more time you may ask for these time periods to be changed. The Tribunal will consider your request and ask for the views of the education authority before making a decision.

The Tribunal will be made up of three people - one will be a legal member who is an experienced lawyer and the other two are specialist members, with expertise in education, social work or health. Occasionally a tribunal will be made up of one legal member sitting alone. The hearing will normally be held close to your home or it may be conducted using video or telephone. We will send you more information at the end of the case statement period. All hearings are allocated at least a full day. More complex hearings may be allocated more time.

For further information:

- www.healthandeducationchamber.scot
- **0141 302 5860**

Ethnic Monitoring

In order to help us to monitor diversity, please tick one of the boxes. You do not have to provide this information if you do not want to.

We use strict data management procedures and will keep your information secure. We are registered under the Data Protection Act.

This page will be detached from your reference and destroyed. The statistical data we gather from this sheet is kept in a separate electronic file from the references themselves

Your ethnic origin is:

White:

Scottish

Other

British Irish

Any other white background

Please specify:

Mixed:

Any other mixed background

Please specify:

Asian, Asian Scottish or Asian British:

Indian

Pakistani

Bangladeshi

Chinese

Any other Asian background

Please specify:

Black, Black Scottish or Black British:

Caribbean

African

Any other black background

Please specify:

Other ethnic background:

Any other background

Please specify: