



National Advocacy Service  
for Additional Support Needs

- Set up under Additional Support for Learning Act 2009
- Funded by Scottish Government
- Managed by Barnardos
- Started work in November 2010

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- Take Note is a partnership between Barnardos and the SCLC
- SCLC screen all referrals
- Take Note can only represent parents who have grounds to make a reference to the Additional Support Needs Tribunal for Scotland
- 1 P/T solicitor at SCLC plus 3 permanent P/T advocacy workers - also 4 'as and when' advocacy workers

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## Statistics to December 2011

• <b>Placing requests</b>	<b>40</b>
<b>local authority mainstream schools with support</b>	<b>7</b>
<b>local authority special schools</b>	<b>14</b>
<b>out with authority LA special school</b>	<b>1</b>
<b>independent special school</b>	<b>18</b>
• <b>CSPs</b>	<b>6</b>
• <b>Transition</b>	<b>3</b>
• <b>Advocacy with child</b>	<b>1</b>

**Total referrals 50**

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## OPEN CASES (DEC 2011)

- 2 CSP; 8 PR; 1 CSP/PR
- Total 11

## CLOSED CASES DEC 2011)

• <b>Placing Requests</b>	<b>31</b>
• <b>Advocacy with Child</b>	<b>1</b>
• <b>CSP's</b>	<b>4</b>
• <b>Transition</b>	<b>3</b>
<b>Total</b>	<b>39</b>

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## Tribunals

- Edinburgh           2   CSP assessment; PR – LA  
Special School
- Aberdeenshire    1   PR – Independent Special School
- Glasgow            2   PR – LA (out with) Special School  
PR – LA Special School
- Renfrewshire     1   Transition
- Highland           1   PR – Independent Special School
- Angus              1   PR – Independent Special School
- Aberdeen          1   PR – LA Mainstream school with support base

**Total 9**

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## The Young Person in Educational Decision Making

- Legislation/Policy – GIRFEC etc etc
- Varying degrees of compliance
- Mismatch between policy and practice
- Schools/education authorities not good at seeking views of young people
- Communication – many disputes arise from poor communication between EA's/schools and parents/young people

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## **The Young Person's Views at Tribunal**

- Tribunal direction that young persons views be sought
- Young persons view recorded on tribunal case statement
- Parents speak on behalf of young person
- Tribunal appoint independent advocacy worker
- Young person attends tribunal hearing
- Tribunal members speak to young person separately
- Communication Passport – evidence from child's school

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## **Tribunal direction that young persons views be sought**

- This has to be requested either by letter to the convener or at conference call
- Timescale – need time to arrange – particularly with young person with communication difficulties

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## **Young persons view recorded on tribunal case statement**

- Witness evidence given more weight than written evidence
- Respondent may attempt to call statement into question

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## **Parents speak on behalf of young person**

- Views may be challenged – allegations of bias or manipulation

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## **Tribunal appoint independent advocate**

- Avoids allegation of manipulation/bias
- Advocate can appear as witness
- Easier for child away from stress of actual hearing
- Can compensate for child with communication difficulties
- Needs time to organise

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## **Young person attends tribunal hearing**

- Younger children may be intimidated
- Child may not want to attend
- Child may have learning/communication difficulties

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## **Tribunal members speak to young person separately**

- Has happened in at least 2 tribunals
- Possible alternative if child unwilling/unable to attend hearing
- Objections from Respondent

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## **A way forward - Some Suggestions**

- LA's improve communication at school and authority level
- LA's to increase and improve opportunities for young people to give their views
- Schools to provide more opportunities for views to be given
- Some young people may need assistance provided to articulate their views
- Young people with communication difficulties need to be better facilitated to give their opinion
- Tribunals – a Code of Practice agreed by all stakeholders would clarify how evidence from young people is presented at tribunals and help prevent challenges to the validity of the child's views

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