

Children and Families Service

Additional Support for Learning

Dispute Resolution

Information for Parents/Carers and Young People

Pledge

Dundee City Council is pledged to working in partnership with children, young people, parents and carers. We will work with you to resolve any problems that arise.

What is dispute resolution?

Dispute resolution is available to parents and young people under the Education (Additional Support for Learning) (Scotland) Act 2004 and as amended in 2009. It is a formal legal process. It will help people resolve serious problems to do with additional support for learning.

Dispute resolution is a voluntary, confidential service. It is provided by individuals recruited and trained by The Scottish Government.

Who can use dispute resolution?

If you are a parent or a young person (i.e. a pupil who is 16 or over) and you are permanently resident in Dundee City, then you can use this procedure. The disagreement has to be about additional support for learning.

When can dispute resolution be used?

Dispute Resolution is normally used when a child or young person has an additional support need but does not have a Co-ordinated Support Plan. It can be used, for example, when there are disagreements about:

- the assessment of additional support needs
- the level of additional support required or being provided.

I want to resolve a disagreement: what should I do?

The first step is to talk to the Head Teacher as talking through issues as early as possible often makes them easier to resolve. If this does not produce a solution, please contact:

Education Support Officer (ASN)
Telephone: (01382) 433984

What happens next?

The matter will be raised within the educational establishment and investigated. All efforts will be made to resolve the matter at nursery, school, centre or at authority level.

If the problem is still not resolved, then alternatives such as Independent Mediation via 'Common Ground' will be offered to you.

If the disagreement still cannot be resolved then formal dispute resolution can be sought.

How do I ask for Dispute Resolution?

A request should be made in writing, giving details and reasons, to The Support for Learning Division (address overleaf).

What happens then?

The Support for Learning Division will acknowledge your request. Within 5 working days they will contact Dundee City Council to share the request and then monitor the process. The Education Authority must provide Dispute Resolution unless the application is not legally competent.

The Education Authority must then notify you, within 10 working days, whether they accept the application. At the same time a letter is sent to the Scottish Government requesting the appointment of an Independent Adjudicator.

What is the next stage?

Both the Education Authority and the parents/carers submit reports to each other. We each have 10 days to consider these reports and exchange further views.

What is the role of the Independent Adjudicator?

The Adjudicator will look at the information provided by both the parents/carers and the Education Authority in order to get a clear understanding of both sides of the disagreement. They may request further information.

Having reviewed all the information they make recommendations to the Education Authority. They must do this within 15 working days of receiving the reports.

Does the Education Authority have to accept the Recommendation?

In all but exceptional circumstances the decision of the Adjudicator will be accepted by the Authority.

How will I know?

On receipt of the recommendations the Authority will send their decision to the Adjudicator and to the parents together with a copy of the Adjudicator's report. This letter will also outline how the Authority intend to carry out the recommendations.

If you are dissatisfied with the outcome of the adjudication, you may wish to consider referral to the Courts, Scottish Ministers or the Public Sector Ombudsman

How long does it take?

Dispute Resolution must not take more than 60 working days from start to finish.

Support and advocacy

Throughout the dispute resolution process you are entitled to be supported. This support can come from a friend, relative, voluntary worker or an appropriate professional who can accompany you to meetings to help you make your points. They can also help you understand what others are saying or have said at meetings.

If you wish to be supported at any meeting, please let the school or Authority know who that will be in advance of any meeting.

How do I request Dispute Resolution?

Requests for Dispute Resolution must be made in writing to:-

The Support for Learning Division, Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ

Key Contacts

If, after speaking with school staff to resolve a problem, you still want to talk about anything about your child's support that concerns you, please contact:

Education Support Officer (ASN)
Telephone: (01382) 433984

If you want more specific advice and guidance about support for learning in Dundee, please contact Education Manager (ASN, Educational Psychology & Inclusion) Tel: (01382) 433785

If you want to find out more about **Mediation**, please contact:

Common Ground Mediation

PO Box 28094
Edinburgh EH16 6WH
Telephone: 0131 664 9324 or 07760 486 465
E-mail: info@commongroundmediation.co.uk
Web: www.commongroundmediation.co.uk

اگر آپ کو انگریزی سمجھنے میں مشکلات پیش آتی ہیں تو براہ مہربانی نیچے دیئے گئے پتہ پر رابطہ کریں

Jeżeli masz trudności ze zrozumieniem języka angielskiego, proszę skontaktuj się z adresem poniżej

如閣下不明白英語，請與以下的地址聯絡。

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇੰਗਲਿਸ਼ ਸਮਝਣ ਵਿਚ ਕਠਿਨਾਈ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਇਸ ਪਤੇ ਤੇ ਸੰਪਰਕ ਕਰੋ:

If you have difficulties understanding English, please contact the address below.

Dundee Translation and Interpretation Service, Dundee City Council, Communities & Policy Division, Mitchell Street Centre, Mitchell Street, Dundee, DD2 2LJ 01382 435825

Email translation@dundeecity.gov.uk