

Extending the Rights of Children with Capacity Under the Education (Additional Support for Learning) (Scotland) Act 2004 (as Amended) and Repealing Section 70 of the Education (Scotland) Act 1980

Consultation Paper

20 December 2013

Dear Consultee

EXTENDING RIGHTS TO CHILDREN WITH CAPACITY UNDER THE EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004 (AS AMENDED) & PROPOSALS RELATING TO SECTION 70 OF THE EDUCATION (SCOTLAND) ACT 1980

I am inviting you to respond to a consultation paper seeking comments on proposals to extend the rights of children with capacity under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) and proposals to repeal section 70 of the Education (Scotland) Act 1980.

Section 3 of the Education (Additional Support for Learning)(Scotland) Act 2004 (“the 2004 Act”) provides that for the purposes of that Act a child or young person “lacks capacity” to do something “if they are incapable of doing it by reason of mental illness, developmental disorder or learning disability or of inability to communicate because of a physical disability”

Currently the rights provided by the 2004 Act, in conjunction with the Standards in Scotland’s Schools etc. Act 2000, afford children with additional support needs the rights to have their views considered and taken account of. Your views will inform the Scottish Government’s considerations on how the rights of children with capacity under the 2004 Act) can be extended.

There are two options proposed. Option A is to extend existing rights of appeal to the Additional Support Needs Tribunals for Scotland to children with capacity. Option B is to extend fully all of the rights under the 2004 Act which parents currently hold, to children with capacity.

Further proposals relate to section 70 of the Education (Scotland) Act 1980 and the dispute resolution framework set out under the 2004 Act.

This consultation paper, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at www.scotland.gov.uk/consultations.

Responses are required by **28 March 2014**. The consultation questionnaire is provided as part of the consultation paper. Please send your response with the completed Respondent Information Form (see “Handling your Response” below) also at Annex A to:

ChildrensRightsASL@scotland.gsi.gov.uk

If you have any queries please contact Ross Trotter at Ross.Trotter@scotland.gsi.gov.uk

Or

Ross Trotter
Supporting Learning Unit
Area 2-C (South)
The Scottish Government
Victoria Quay
Leith, EH6 6QQ

General information about the Scottish Government consultation process can be found at **Annex B** of the consultation paper.

We would be grateful if you would submit electronic responses, using the consultation questionnaire provided, as this will aid our analysis of the responses received.

The Scottish Government now has an email alert system for consultations ([SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx](http://www.scotland.gov.uk/consultations/seconsult.aspx)). This system allows stakeholders, individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces, Scottish Government distribution lists and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

A list of organisations that are being consulted is attached at **Annex C** of the consultation paper. Please feel free to alert any organisations or individuals that we have omitted, that you think should be consulted.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002, and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the Respondent Information Form), by 4 April 2014. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the secondary legislation and commencement date. We aim to issue a report on this consultation process by the end of April 2014.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: Ross Trotter

Support and Wellbeing Unit, Area 2-C (South), The Scottish Government
Victoria Quay, Leith, EH6 6QQ

E-mail: Ross.Trotter@scotland.gsi.gov.uk

Yours sincerely

Colin Spivey

**Support and Wellbeing Unit
Scottish Government**

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RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone	Email
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	Individual	Group/Organisation
	<input type="checkbox"/>	<input type="checkbox"/>
	Please tick as appropriate	
(a)	<p>Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?</p> <p>Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
(b)	<p>Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p>Please tick ONE of the following boxes:</p> <p>Yes, make my response, name and address all available <input type="checkbox"/></p>	
(c)	<p>The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).</p> <p>Are you content for your response to be made available?</p> <p>Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

Yes, make my response available, but not my name and address	<input type="checkbox"/>					
Yes, make my response and name available, but not my address	<input type="checkbox"/>					

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
Please tick as appropriate ☐

**EXTENDING THE RIGHTS OF CHILDREN WITH CAPACITY UNDER THE EDUCATION
(ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004 (AS AMENDED)
AND REPEALING SECTION 70 OF THE EDUCATION (SCOTLAND) ACT 1980
CONSULTATION PAPER**

EXTENDING RIGHTS TO CHILDREN WITH LEGAL CAPACITY UNDER THE EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004 (AS AMENDED) & ON PROPOSALS IN RELATION TO SECTION 70 OF THE EDUCATION (SCOTLAND) ACT 1980

Introduction

This consultation paper seeks your views on two proposals relating to extending the rights of children with legal capacity under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) ("the 2004 Act"). Your views are also sought on repealing section 70 of the Education (Scotland) 1980 Act ("the 1980 Act").

Responses are required by 28 March 2014. Your views will contribute to the decision making process on potential primary and secondary legislation. General information about the Scottish Government consultation process can be found at Annex B and a list of organisations that are being consulted is attached at Annex C. If you have any queries please contact Dorothy Warren at:

Ross.Trotter@scotland.gsi.gov.uk

Or

Ross Trotter
Support and Wellbeing Unit
The Scottish Government
Area 2-C (South)
Victoria Quay
Leith
EH6 6QQ

Prior to discussing the specifics of the consultation, the consultation paper will commence with background information on the current rights provided to children under the 2004 Act.

Background

Currently, in terms of the 2004 Act parents of children with additional support needs hold certain rights on behalf of their children. Young people (defined in the 2004 act as “person over school age who has not attained the age of eighteen years”) with capacity hold rights on their own behalf. Where a young person does not have capacity, their rights are transferred to their parent.

What is capacity?

Under section 3 of the 2004 Act a child or young person lacks capacity to do something if the child or young person is incapable of doing it by reason of mental illness, developmental disorder or learning disability or of inability to communicate because of a physical disability.

However, a child or young person is not to be treated as lacking capacity by reason only of a lack or deficiency in a faculty of communication if that lack or deficiency can be made good by human or mechanical aid (whether of an interpretative nature or otherwise).

On 20 October 2008 The United Nations Committee on the Rights of the Child (UNCRC) issued recommendations in a report for the United Kingdom that the state party:

“Ensure that children who are able to express their views have the right to appeal against their exclusion as well as the right, in particular for those in alternative care, to appeal to special educational need tribunals”

At that time, the Scottish Government’s response to the UNCRC report did not include proposals to extend the rights of appeal in additional support needs cases to children with capacity as it was considered that the rights of the child were already served in terms of the 2004 Act. Under the 2004 Act, when establishing whether a child has additional support needs or the level of provision requested, an education authority has a duty to seek and take account of the views of the child, unless the authority are satisfied that the child lacks capacity to express a view (section 12).

However, following changes made by the Equality Act 2010, from 18 March 2011 a child with capacity can bring a disability discrimination case to the Additional Support Needs Tribunal. Therefore, currently, a child with capacity could bring a disability discrimination case to the Additional Support Needs Tribunal but not bring an additional support for learning case before the Tribunal.

Prior to commenting on what range of rights you think children should have, firstly it is important to establish if you think children with capacity should have their own rights.

Question 1.

(a) Do you think children with capacity should have their own rights in relation to Additional Support for Learning?

Proposal A: Extending the rights of Children under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)

The Scottish Ministers propose to extend the rights of children with capacity under the additional support for learning legislation in line with the recommendations made by the UNCRC. In law, children are generally considered to have capacity at around age 12. However, some children with additional support needs may not have capacity, this would be a decision to be agreed between the family and the authority concerned based on a range of evidence available to them. Where a child is considered not to have capacity it would be for a parent to pursue the rights on the child's behalf.

This consultation aims to identify your views on the proposal to extend the appeal rights of children with capacity under the additional support for learning legislation as well as the possibility of fully extending the rights currently afforded to parents and to young people (aged 16 over) with capacity to children under the 2004 Act.

Additional Support Needs Tribunals for Scotland

Under the 2004 Act, any young person, or where the young person lacks capacity, the parent, may refer to the Additional Support Needs Tribunals for Scotland ("the Tribunal") the following decisions or failures of an education authority including:

- a decision to prepare a co-ordinated support plan;
- a decision not to prepare a co-ordinated support plan;
- a decision to continue a co-ordinated support plan following a review;
- a decision to discontinue a co-ordinated support plan following a review;
- a failure to meet the timescales for preparing the co-ordinated support plan;
- a decision not to comply with a request to establish whether a child or young person has additional support needs requiring a co-ordinated support plan;
- the information contained in the co-ordinated support plan by virtue of section 9(2)(a) of the 2004 Act;
- the failure of the authority to review the co-ordinated support plan by the expiry date (i.e. 12 months from the date it was prepared) or within the timescale set by regulations;
- the decision of the authority to refuse a request from a parent or young person to review the co-ordinated support plan;
- the failure by the authority to provide, or make arrangements for the provision of, the additional support contained in a co-ordinated support plan which is necessary for the child or young person to achieve their educational objectives;
- the failure to respond to a request to establish whether a co-ordinated support plan is required where the authority has said they intend to establish that a co-ordinated support plan is required but have failed to respond in the time specified in Regulations.
- a refusal of a placing request for a special school, special class or unit, and
- failures over post-school transition duties.

Extending the right to appeal to the Tribunal to children with capacity would be in line with the afore mentioned recommendation made by the UNCRC (20th October 2008), strengthening the rights of children, including looked after children, by ensuring they have an opportunity to have their cases heard at the Tribunal and are not restricted by their circumstances. The proposal also compliments the proposals put forward by the Children and Young People (Scotland) Bill (as introduced in the Scottish Parliament on 17th April 2013) by putting children's rights at the centre of public services.

Under the terms of the Equality Act 2010, Schedule 17, Part 3, a claim may be made to the Tribunal that a responsible body has contravened Chapter 1 of Part 6 because of a person's disability by –

- (a) the person's parent;
- (b) where the person has capacity to make the claim, the person.

Therefore, in line with this, the Scottish Ministers propose that the rights to appeal to the Tribunal are extended under the 2004 Act to children with capacity.

Question 2.

(a) Do you think the Scottish Ministers should extend to children with capacity the right to make appeals to the Additional Support Needs Tribunals for Scotland under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)?

(b) Please offer comments to support your answer to 2(a).

Proposal B: Extend all rights under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) to children.

The Scottish Ministers will consider proposals to extend all rights under the 2004 Act to children with legal capacity. This change in rights would not only allow any child with capacity to bring a claim to the Tribunal but to also request an assessment on the provision of support from the education authority. Details of the rights currently afforded to parents and young people by the 2004 Act are detailed below.

Rights provided by the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)

Parents and young people (aged 16 and over) who have capacity currently have the right to:

- ask the education authority to establish whether a child or young person has additional support needs
- request a specific type of assessment or examination (or both) at any time, including when the education authority proposes to formally identify whether a child or young person has additional support needs, or requires a co-ordinated support plan
- receive information or advice about a child or young person's additional support needs
- ask the education authority responsible for their or their child's education to find out whether they or their child requires a co-ordinated support plan, and to review an existing plan
- request a specific type of assessment and/or examination to find out whether they or their child require a co-ordinated support plan
- be asked for their views and have them taken into account and noted in the child or young person's co-ordinated support plan
- receive a copy of their or their child's co-ordinated support plan
- have their case heard by an Additional Support Needs Tribunal if they are involved in a dispute relating to a co-ordinated support plan.
- make a placing request to a special school if they or their child has additional support needs
- appeal against the education authority's decision to refuse their placing request. The appeal would either go to an education appeal committee or to an Additional Support Needs Tribunal depending on the situation
- use free independent mediation services
- have a supporter or advocate present at any discussions
- request independent adjudication
- apply to the Additional Support Needs Tribunal (called 'making a reference') for decisions about a CSP and certain other issues. In particular, a parent or young person may make a reference about the decisions of an education authority:
 - to prepare or not prepare a CSP
 - to continue or discontinue a CSP
 - regarding the timescales for the CSP
 - not to comply with a request to establish whether a child or young person needs a CSP
 - to refuse a placing request where a CSP exists, or is required but has not yet been prepared, or if an appeal against a refusal of a placing request has not yet been considered

- have a supporter or advocate present at a Tribunal hearing.

Question 3.

(a) Do you think the Scottish Ministers should extend the rights which are currently afforded to parents and young people (with capacity) under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) to children to enable them to take up their own rights where they have capacity to do so?

(b) Please offer comments to support your answer to 3(a).

Section 70 of the Education (Scotland) Act 1980

Under section 70 of the Education (Scotland) Act 1980 any interested party can make a complaint to the Scottish Ministers that a responsible body (the managers of a school or education establishment, an education authority or other persons) has failed to discharge a duty imposed on them by or for the purposes of any enactment relating to education. Following an investigation of the complaint the Scottish Ministers may make an order declaring the responsible body to be in default in respect of the duty requiring them to discharge the duty. Section 70 also allows the Scottish Ministers to make such an order, following an investigation, without their first having been a complaint by any interested person.

At the Education and Culture Committee on 26 June 2012, Michael Russell, Cabinet Secretary for Education and Lifelong Learning, expressed dissatisfaction with the complaints mechanism under section 70 and committed to look carefully at how complaints are handled and restitution is sought. Following consideration of this issue, the Scottish Ministers propose to repeal section 70 of the Education (Scotland) Act 1980, thus removing the complaints mechanism under this section. Repealing section 70 would not however remove the right to make a complaint regarding education issues .

Complaints Mechanisms

The Scottish Ministers are keen that any issues which arise between parents, carers or young people and schools and local authorities are resolved at as local a level as possible. Therefore the Scottish Ministers consider that any issue which a parent, carer or young person feels should be addressed should initially be discussed with a teacher or the head teacher at school. Independent schools and education authorities have their own complaints procedures which can be followed. Depending on the nature of the complaint there are further methods of resolving complaints.

Specific Complaints – Additional Support for Learning

Under the 2004 Act, a parent or young person, depending on the nature of the complaint, has the right to:

- access independent mediation
- make a referral to independent adjudication
- appeal to the Tribunal

As part of their proposal to repeal section 70, the Scottish Ministers propose amendments to the 2004 Act, which will ensure complainants have attempted to resolve their complaint at as local a level as possible. This proposal entails complainants having “attempted” to resolve their complaint through independent mediation before accessing independent adjudication and the new mechanism for alleged failure of duty . The proposal also aims to ensure that complaints which fall under the jurisdiction of the Tribunal will remain with the Tribunal and will not be considered by Scottish Ministers.

Specific complaints – Independent Schools

The legislative framework for the registration and regulation of independent schools is contained within sections 98 to 103B of the Education (Scotland) Act 1980. If the Scottish Ministers are satisfied that an independent school is objectionable, section 99 of the 1980 Act provides that they shall serve a Notice of Complaint on the proprietor of the school.

The Grounds for serving a section 99 notice of complaint are:

- that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of pupils attending thereat;
- that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;
- that the school premises or any part thereof are unsuitable for a school;
- that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school;
- that a condition imposed by Part V of the 1980 Act on the carrying on of the school is not being or has not been complied with;
- that any part of the school premises is disqualified from being used as a school;
- that any accommodation provided at the school premises is disqualified from being used as such or is being used as such for pupils of such number or such age or sex from which use it is so disqualified;
- that the proprietor of the school is disqualified from being the proprietor of an independent school, barred from regulated work working with children, a prescribed person or otherwise not a proper person to be the proprietor of an independent school;
- that a teacher in the school is disqualified under Part 5 of the Education (Scotland) Act 1980 from being a teacher in any school, barred from regulated work with children, a prescribed person or otherwise not a proper person to be a teacher in any school;
- that the proprietor has not provided the Registrar with the information required by the Scottish Ministers annually, or has failed to inform the Registrar of a change in the school's particulars.

The legislation also allows for the Scottish Ministers to consider imposing a condition on the continued registration of an independent school if there is evidence which would suggest the school may become objectionable under any of the above grounds.

Specific Complaints – Schools Closures

The powers held under section 70 of the Education (Scotland) Act 1980 are an important safeguard against non-compliance with the requirements of the Schools (Consultation) (Scotland) Act 2010 (the 2010 Act); in particular with the conditions which Ministers may impose on education authorities when they grant consent to a school closure proposal. Ministers are keen to ensure that there is no potential for these conditions to be ignored without penalty. Therefore, it is proposed that section 70 of the 1980 Act will be retained in respect of provisions of the Schools (Consultation) (Scotland) Act 2010.

The Scottish Public Service Ombudsman

The Scottish Public Services Ombudsman Act 2002 consider complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure in relation to public bodies or organisations providing public services. Before making any complaint to the Ombudsman, complainants must have been through the formal complaints procedure of the organisation concerned. Ombudsman complaints reviewers are fully aware of the dispute resolution mechanisms available under Education legislation and therefore will advise complainants to access the appropriate Education dispute resolution mechanism before they will then consider any complaint further.

If a complaint can be considered by the Ombudsman, they will make initial enquiries with the organisation concerned and investigate if anything can be done to resolve the dispute.

They will review:

- what happened;
- what should have happened;
- the basis of the complaint;
- why it is still not resolved after complaining;
- what would put things right for the complainant.

Complaints reviewers are impartial, which means that they take into account both sides of the story. To do this, they will collect and look at evidence from the complainant and the organisation concerned.

This may involve:

- looking at complaint paperwork such as complaint forms or letters;
- talking to the complainant and the organisation complained about;
- getting answers to questions;
- getting copies of documents;
- taking expert advice if required.

The Ombudsman makes decisions in written form, usually in a letter. This will inform whether or not the Ombudsman has upheld or not upheld the complaint. It will also contain any recommendations the Ombudsman has made to put things right.

If an investigation report finds that someone suffered injustice or hardship as a result of maladministration or service failure and that injustice or hardship has not been, or will not be, remedied the Ombudsman, in terms of the Ombudsman Act, can lay a 'special report' before the Scottish Parliament and the cost of producing and distributing a 'special report' can be recovered from the organisation against which the original complaint was made.

Since the inception of the Ombudsman in 2002, there has been no occasion to issue a 'special' report. However, if this did occur it would then be for the Scottish Parliament to decide what, if any, action it wished to take.

The Ombudsman publishes anonymous reports of decisions on its website. The published reports raise awareness and share learning from complaints to help organisations improve their handling of complaints.

Further information on the Scottish Public Service Ombudsman can be accessed on its website: <http://www.spsso.org.uk/>

Question 4.

(a) Do you think the Scottish Ministers should amend the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) to ensure that disagreements are resolved at as local a level as possible, therefore ensuring that a complainant has attempted independent mediation?

(b) Please offer comments to support your answer at 4(a).

Question 5.

(a) Do you think the Scottish Ministers should repeal section 70 of the Education (Scotland) Act 1980, removing the opportunity to complain directly to the Scottish Ministers with the exception of provisions of the Schools (Consultation) (Scotland) Act 2010?

(b) If yes, do you agree that, in future, the Scottish Public Service Ombudsman should consider failure of duty complaints which are currently considered under section 70 of the Education (Scotland) Act 1980?

(c) With the exception of provisions of the Schools (Consultation) (Scotland) Act 2010, do you think that the Ministerial powers under section 70 to make an order to carry out a duty should be transferred to the Scottish Public Service Ombudsman ?

(d) Please offer comments to support your answer to 5(a), (b) and (c)

CONSULTATION QUESTIONS

1(a) Do you think children with capacity should have their own rights in relation to Additional Support for Learning?

1(b) Please offer comments to support your answer to 1(a).

2(a) Do you think Scottish Ministers should extend the right to enable children to make an appeal to the Additional Support Needs Tribunals for Scotland under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) ?

2(b) Please offer comments to support your answer to 2(a).

5(a) Do you think the Scottish Ministers should repeal section 70 of the Education (Scotland) Act 1980, removing the opportunity to complain directly to the Scottish Ministers with the exception of provisions of the Schools (Consultation) (Scotland) Act 2010?

5(b) If yes, do you agree that, in future, the Scottish Public Service Ombudsman should consider failure of duty complaints which are currently considered under section 70 of the Education (Scotland) Act 1980?

(c) With the exception of provisions of the Schools (Consultation) (Scotland) Act 2010, do you think that the Ministerial powers under section 70 to make an order to carry out a duty should be transferred to the Scottish Public Service Ombudsman ?

5(d) Please offer comments to support your answer to 5(a) and (b)

Annex A The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses ¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/Consultations/Current) (<http://www.scotland.gov.uk/Consultations/Current>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Annex B Consultation List

Aberlour Child Care Trust
Action for Children Scotland
Action for Sick Children (Scotland)
Action on Hearing Loss (RNID Scotland)
Action on Hearing Loss (Royal National Institute for Deaf People)
AFASIC Scotland
AHP National Lead for Children and Young People
Article 12 in Scotland
Association for Children with Heart Disorders
Barnardo's Scotland
Barnardo's-West Lothian Family Support Team
British Deaf Association Scotland
British Stammering Association
Brittish Red Cross Society
C.H.I.P plus
Cambridge University Library
Capability Scotland
Care Inspectorate
Carers National Association (Scotland)
Central Scotland Racial Equality Council
Centre for Racial Equality in Scotland
Centre for Research on Families and Relationship
Chief Executives of Local Authorities
Chief Executives of NHS Boards
Child Poverty Action Group Scotland
Childline Scotland
Children 1st
Children in Scotland
CI@n Childlaw
Clerk to the Education, Lifelong Learning and Culture Committee
CLIC Sargent
Colleges Scotland
Community Link
Contact a Family Scotland
CoSLA
Crossearch
Deaf Blind Scotland
Directors of Education Authorities
Directors of Public Health
Directors of Social Work Services
Down's Syndrome Scotland
Drake Music Project
Dyslexia Scotland
Dyspraxia Foundation
Edinburgh and Lothians Racial Equality Council
Education Centre
Education Scotland
EIS
Enable Scotland
ENGENDER
Enquire

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



Epilepsy Scotland
 Equality and Human Rights Commission
 Equality and Human Rights Commission
 Equality Network
 Families Outside
 Family Fund
 Fife Racial Equality Council
 Fife Rights Service
 For Scotland's Disabled Children
 Glasgow Centre for Inclusive Living
 Glasgow Disability Alliance
 Govan Law Centre
 Grampian Racial Equality Council
 Grant-Aided Special Schools
 Hearing Impaired Service
 Highland Children's Forum
 Highland Society for the Blind
 HIV Scotland
 Includem
 Inclusion Scotland
 Inclusive Play
 Independent Living in Scotland
 Innovation Centre
 Kibble Education and Care Centre
 Learning Disability Alliance of Scotland
 Linking Education and Disability (LEAD)
 Lothian Centre For Inclusive Living
 Mindroom
 National Autistic Society in Scotland
 National Deaf Children's Society
 National Parents Forum for Scotland
 NCH Action for Children Scotland
 NHS Helpline Scotland
 NSPCC Centre
 One Parent Families Scotland
 Ourright Scotland
 PAMIS
 Parent Network Scotland
 Parenting Across Scotland
 Parentline Scotland
 Partners in Advocacy
 People First
 Play Scotland
 Project Ability, Centre for Developmental Arts
 Relationship Scotland
 RoSPA
 Royal College of Paediatrics and Child Health
 Royal College of Speech and Language Therapists
 Royal National Institute for the Blind
 San-Jai Chinese Project
 Save the Children
 Scotcen
 Scottish Association for Mental Health

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



Scottish Child Law Centre
 Scottish Childminding Association
 Scottish Civic Forum
 Scottish Consortium for Learning Disability
 Scottish Council for Independent Schools
 Scottish Council for Voluntary Organisations
 Scottish Council on Deafness
 Scottish Disability Equality Forum
 Scottish Government Library
 Scottish Independent Advocacy Alliance
 Scottish Marriage Care/Stepfamily Scotland
 Scottish Mediation Network
 Scottish MEPs
 Scottish Network for Able Pupils
 Scottish Parent and Teacher Council
 Scottish Parent and Teacher Council
 Scottish Parliament Information Centre (SPICe) library
 Scottish Pre-school Play Association
 Scottish Refugee Council
 Scottish Sensory Centre
 Scottish Sensory Centre
 Scottish Society for Autism
 SCVO
 SENSE Scotland
 Shaw Trust (Dunfermline)
 SKILL Scotland
 Skills Development Scotland
 STEP
 Tayside Racial Equality Council
 The Bodleian Library, University of Oxford
 The British Library
 The British Stammering Association
 The Butterfly Trust
 The Church of Scotland
 The Fostering Network
 The Law Society of Scotland
 The Library of Trinity College, Dublin
 The ME Association
 The National Library of Scotland, Edinburgh
 The National Library of Wales, Aberystwyth
 The Place2Be
 The Princess Royal Trust for Carers
 The Salvation Army
 The Scottish Spina Bifida Association
 Visual Impairment Scotland
 VOCAL
 Voluntary Health Scotland
 VOX Scotland
 West Lothian Youth Action Project
 West of Scotland Racial Equality Council
 Young Scot
 Youthlink Scotland



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