Young people have a right to full-time education (or as much as their condition allows) despite disability or other health needs, regardless of where they are educated including school trips and physical education.

It is the duty of the local education authority to ensure that the education is directed to the development of the personality, talents and mental and physical abilities of the young person to their fullest potential.

Education authorities should have a written, publicly accessible policy statement about their arrangements to comply with their legal duty to young people with additional learning support needs.

Every young person in Scotland, up to the age of 18, should have a Named Person, who can work with the young person/parents to help decide on the support the young person might need and to access a service (This duty includes the provision of additional support to meet the needs and circumstances of the individual young person).

Young people should be involved in decisions from the start, in ways reflecting their age and maturity.

Education and support should be supplied as soon as it is clear the young person's illness will last for 5 days or more.

If a young person is unable, or it is unreasonable for them, to attend school, education authorities/independent school proprietors should make special arrangements for the young person to receive education elsewhere.

Education can be provided in hospital, at another school or more usually, at home, but responsibility for the young person's education remains with the young person's home authority. In practice, this is usually their school.

Applications for suitable arrangements should be made to awarding bodies of public exams as soon as possible.

It is absolutely essential that there is clear communication between the different agencies, services, professionals and the parent/carer and pupil concerned.

Free, independent mediation/adjudication services should be available to resolve disputes between the parents/young person and the education authority about the provision of education where the school/college cannot resolve them.

Young person
Any young person in nursery, school or college up to the age of 18 years.

Disability
A physical or mental impairment which has substantial and long-term adverse effect on that person's ability to carry out normal day to day activities. Some specified medical conditions, including cancer (high grade tumours), are considered as disabilities, regardless of their effect.

Substantial adverse effect
A limitation that is more than the normal differences in ability that might exist among people. It makes it more difficult and time consuming for the person to carry out an activity.

Long-term
Lasting, or likely to last, for at least 12 months.

For details about the legislation, see thebraintumourcharity.org/legal-framework-scotland

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