



# Education (Additional Support for Learning) (Scotland) Act 2004

## 2004 asp 4

*Establishment of additional support needs and need for co-ordinated support plan*

### **6 Children and young persons for whom education authority are responsible**

- (1) Every education authority must make such arrangements as they consider appropriate for identifying—
  - (a) from among the children and young persons for whose school education they are responsible—
    - (i) those who have additional support needs, and
    - (ii) those having additional support needs who require a co-ordinated support plan, and
  - (b) the particular additional support needs of the children and young persons so identified.
- (2) Where an education authority receive from a person specified in subsection (3) a request to establish whether any child or young person for whose school education the authority are responsible—
  - (a) has additional support needs, or
  - (b) requires a co-ordinated support plan,the authority must, in accordance with the arrangements made by them under subsection (1), comply with the request unless the request is unreasonable.
- (3) The persons referred to in subsection (2) are—
  - (a) in the case of a child, the child's parent,
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) if the authority are satisfied that the young person lacks capacity to make the request, the young person's parent.
- (4) Where, in pursuance of a request referred to in subsection (2), an education authority establish that a child or young person has additional support needs, the authority must inform the person who made the request of that fact.

- (5) Subsection (6) applies where a child or young person for whose school education an education authority are responsible comes to the attention of the authority as—
- (a) having, or appearing to have, additional support needs, or
  - (b) having such needs and requiring, or appearing to require, a co-ordinated support plan.
- (6) Where this subsection applies, the education authority must, in accordance with the arrangements made by them under subsection (1), establish whether the child or young person does have additional support needs or, as the case may be, require a co-ordinated support plan, unless the authority consider it unreasonable to do so.
- (7) Subsections (2) and (6) are without prejudice to subsection (1).

## **7 Other children and young persons**

- (1) Where an education authority receive a request of a type specified in subsection (2) relating to any child or young person—
- (a) belonging to the area of the authority, but
  - (b) for whose school education the authority are not responsible,
- the authority may, in accordance with the arrangements made by them under section 6(1), comply with the request.
- (2) The types of request referred to in subsection (1) are—
- (a) a request from a person specified in subsection (3) to establish whether the child or young person in relation to whom the request is made—
    - (i) has additional support needs, or
    - (ii) would, if the education authority were responsible for the school education of the child or young person, require a co-ordinated support plan,
  - (b) in the case of a child or young person being provided with school education at an independent school or a grant-aided school, a request from the managers of the school to establish whether the child or young person would, if the education authority were responsible for the school education of the child or young person, require such a plan.
- (3) The persons referred to in subsection (2)(a) are—
- (a) in the case of a child, the child's parent,
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) if the authority are satisfied that the young person lacks capacity to make the request, the young person's parent.
- (4) Subsection (5) applies where a child or young person—
- (a) belonging to the area of an education authority, but
  - (b) for whose school education an education authority are not responsible,
- comes to the attention of the authority (otherwise than as a result of a request referred to in subsection (1)) as having, or appearing to have, additional support needs.
- (5) Where this subsection applies, the education authority may, in accordance with the arrangements made by them under section 6(1), establish whether the child or young person does have additional support needs.

- (6) Subsection (7) applies where, in pursuance of this section, an education authority establish that a child or young person—
  - (a) has additional support needs, or
  - (b) would, if the education authority were responsible for the school education of the child or young person, require a co-ordinated support plan.
- (7) Where this subsection applies, the education authority must provide the persons mentioned in subsection (8) with such information and advice as to the additional support required by the child or young person as they consider appropriate.
- (8) The persons referred to in subsection (7) are—
  - (a) in the case of a child, the child’s parent,
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) if the authority are satisfied that the young person lacks capacity to understand the information or advice, the young person’s parent,
  - (c) where the authority establish the matter referred to in subsection (6) pursuant to a request made by the managers of an independent school or a grant-aided school, those managers.

## **8 Assessments and examinations**

- (1) Where—
  - (a) an education authority propose—
    - (i) in pursuance of any provision of this Act, to establish whether a child or young person has additional support needs or requires, or would require, a co-ordinated support plan, or
    - (ii) to review under section 10 any such plan prepared for any child or young person, and
  - (b) the appropriate person makes a request that the education authority arrange for the child or young person to whom the proposal referred to in paragraph (a) relates to undergo, for the purposes of the proposal, a process of assessment or examination (such a request being referred to in this section as an “assessment request”),

the education authority must comply with the assessment request unless the request is unreasonable.
- (2) In subsection (1)(b), “the appropriate person” means—
  - (a) where the proposal referred to in subsection (1)(a) arises from a request referred to in section 6(2), 7(1) or 10(4), the person making the request,
  - (b) in any other case—
    - (i) where the proposal relates to a child, the child’s parent,
    - (ii) where the proposal relates to a young person, the young person or, where the authority are satisfied that the young person lacks capacity to make the request, the young person’s parent.
- (3) Where a child or young person is to undergo a process of assessment or examination in pursuance of an assessment request, the process is to be carried out by such person as the education authority consider appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In subsection (1)(b), the reference to assessment or examination includes educational, psychological or medical assessment or examination.