



# Education (Additional Support for Learning) (Scotland) Act 2009

2009 asp 7

## *Additional support needs*

### **6 Additional support**

In section 1(3) of the 2004 Act (additional support needs)—

- (a) in paragraph (a), after “provision”, where it occurs for the first time, insert “(whether or not educational provision)”,
- (b) in paragraph (b), for “educational provision” substitute “provision (whether or not educational provision)”.

### **7 Assessments and examination**

After section 8 of the 2004 Act insert—

#### **“8A Assessments and examinations: further provision**

- (1) A person specified in subsection (3) may request that the education authority arrange for a child or young person to whom section 4(1)(a) applies to undergo, for the purpose of considering the additional support needs of the child or young person, a process of assessment or examination.
- (2) The education authority must comply with the request unless it is unreasonable.
- (3) The persons referred to in subsection (1) are—
  - (a) where the request relates to a child, the child’s parent,
  - (b) where the request relates to a young person, the young person or, where the authority are satisfied the young person lacks capacity to make the request, the young person’s parent.
- (4) The education authority must, in accordance with the arrangements made by them under section 4(1)(b), take into account the results of any assessment or examination undertaken by virtue of this section.

- (5) A process of assessment or examination undertaken by virtue of this section is to be carried out by such person as the education authority consider appropriate.
- (6) In this section the reference to assessment or examination includes educational, psychological or medical assessment or examination.”.

## **8 Additional support needs etc.: specified children and young people**

- (1) In section 1 (additional support needs) of the 2004 Act, after subsection (1) insert—
- “(1A) Without prejudice to the generality of subsection (1), a child or young person has additional support needs if the child or young person is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c. 36)).
- (1B) But where, in the course of identifying (in accordance with the arrangements made by them under section 6(1)(b)) the particular additional support needs of a child or young person who is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c. 36)), an education authority form the view that the child or young person is, or is likely to be, able without the provision of additional support to benefit from school education provided to or to be provided for the child or young person, subsection (1A) ceases to apply.”.
- (2) In section 6 (children and young persons for whom education authority are responsible) after subsection (1) insert—
- “(1A) Without prejudice to the generality of subsection (1), every education authority must in particular consider whether each child or young person falling within section 1(1A) for whose school education they are responsible requires a co-ordinated support plan.”.