



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

2004 asp 4

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

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,
 - [^{F1}(ia) where the proposal relates to a child who has attained the age of 12 years, the child,]
 - (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.

[^{F2}(2A) But a child who has attained the age of 12 years is an appropriate person for the purposes of subsection (2) only if—

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 8. (See end of Document for details)

- (a) in a case where paragraph (a) of that subsection applies—
 - (i) the authority is satisfied that there has been no significant change in the circumstances of the child since the request mentioned in that paragraph was made, or
 - (ii) where the authority is not so satisfied, the authority is satisfied that the child has capacity to make the request referred to in subsection (1)(b) at the time that request is made,
 - (b) in any other case, the authority is satisfied that the child has capacity to make the request referred to in that subsection.]
- (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.
- (4) In subsection (1)(b), the reference to assessment or examination includes educational, psychological or medical assessment or examination.

Textual Amendments

- F1** S. 8(2)(b)(ia) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 6(a)**; [S.S.I. 2017/354](#), reg. 2(a)
- F2** S. 8(2A) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 6(b)**; [S.S.I. 2017/354](#), reg. 2(a)
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Commencement Information

- I1** S. 8 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 8.