
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 264

EDUCATION

The Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005

Made - - - - 19th May 2005
Laid before the Scottish Parliament - - - - 19th May 2005
Coming into force - - 14th November 2005

The Scottish Ministers, in exercise of the powers conferred by section 23(4) of the Education (Additional Support for Learning) (Scotland) Act 2004⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Additional Support for Learning (Appropriate Agency Request Period and Exceptions) (Scotland) Regulations 2005 and shall come into force on 14th November 2005.

(2) In these Regulations—

“the Act” means the Education (Additional Support for Learning) (Scotland) Act 2004; and
“request” means a request within the meaning of section 28(1) of the Act, made to an appropriate agency by an education authority under section 23(1) of the Act.

Request period

2. Where an appropriate agency is under a duty by virtue of section 23(3) of the Act (duty to comply with a request for help in the exercise of an education authority’s function under the Act), such an agency must comply with the request within a period of 10 weeks starting on the date when the request was made by the authority unless an exception under regulation 3 applies.

Request period exceptions

3.—(1) An appropriate agency need not meet the time limit under regulation 2 if it complies with paragraph (2) below and meeting that time limit would be impractical because—

(1) 2004 asp 4.

- (a) before the expiry of that time limit a process of assessment or examination of the child or young person who is the subject of the request—
 - (i) cannot take place; or
 - (ii) the results of that process are not available;
 - (b) the child or young person failed to keep an appointment for an assessment or examination before the expiry of that time limit;
 - (c) it was necessary for that agency to ask for relevant advice or information from another appropriate agency or any other person and such advice or information has not been provided before the expiry of the time limit in response to such an inquiry made before that expiry.
- (2) The appropriate agency must, when it becomes aware that the time limit under regulation 2 cannot be met, inform the education authority which made the request of—
- (a) the reason why the time limit cannot be complied with; and
 - (b) a new date by which the help requested will be provided.
- (3) The date established under paragraph (2)(b) above must not exceed the time limit referred to in regulation 2 by longer than is reasonably necessary in the circumstances and in any event must be not later than 16 weeks starting on the date when the request was made by the authority.

St Andrew's House, Edinburgh
19th May 2005

EUAN M ROBSON
Authorised to sign on behalf of the Scottish
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify a period of 10 weeks within which a request under section 23 of the Education (Additional Support for Learning) (Scotland) Act 2004 for help by an education authority from an appropriate agency under that Act must be complied with (regulation 2). Such a request can only be made in relation to the exercise of the education authority's functions under that Act.

The Regulations also provide for exceptions to that time limit, provided that for each exception the reasons for the delay and a new date must be supplied to the education authority (regulation 3).