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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 518**

**The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2005**

**Transfer of the plan**

9.—(1) This regulation applies where a child or young person to whom a plan relates moves from, without any immediate intention of returning to, the area of the education authority which prepared the plan (“the original authority”) into that of another authority to which area the child or young person then belongs (“the new authority”).

(2) The original authority must—

- (a) (i) where it has been notified of a date of departure transfer the plan to the new authority no later than 4 weeks starting on the date of departure so notified; or
- (ii) where it becomes aware that the child or young person has already moved transfer the plan to the new authority no later than 4 weeks starting on the date it becomes so aware; and
- (b) at the same time provide the new authority with the names and other appropriate contact details for the persons mentioned in paragraph (5)(c) below.

(3) From the date of transfer the plan must be treated for the purposes of the new authority’s duties and functions under the Act and these Regulations as if it had been prepared by the new authority on the date on which it was prepared by the original authority.

(4) The new authority must inform as soon as reasonably practicable the persons mentioned in paragraph (5) below—

- (a) that the plan has been transferred; and
- (b) of its responsibility under the Act and these Regulations for the plan including the arrangements made by it for the purposes of regulation 8(1), the name and other appropriate contact details for the Additional Support Co ordinator for the plan within the new authority or appointed by that authority for the purposes of section 11(6) of the Act and the name and other appropriate contact details for the person nominated by that authority for the purposes of section 9(2)(d) of the Act (officer from whom advice and further information is available).

(5) The persons referred to in paragraph (4) above are—

- (a) in the case of a child to whom the plan relates, the child’s parent;
- (b) in the case of a young person to whom the plan relates—
  - (i) the young person, or
  - (ii) if the education authority are satisfied that the young person lacks the capacity to understand the information, the young person’s parent; and
- (c) any person named in the plan as providing additional support.

(6) For the purposes of this regulation the date of transfer is the date on which the original authority sent the plan to the new authority in accordance with paragraph (2) above.