

EXECUTIVE NOTE

THE ADDITIONAL SUPPORT FOR LEARNING (APPROPRIATE AGENCIES) (SCOTLAND) AMENDMENT ORDER 2010

SSI 2010/143

The above instrument was made in exercise of the powers conferred by section 23(2)(c) of the Education (Additional Support for Learning) (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to negative resolution procedure. It amends the Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005 (S.S.I. 2005/325) (“the 2005 Order”).

Policy Objectives

Section 23 of the Education (Additional Support for Learning) (Scotland) Act 2004 (“the 2004 Act”) places duties on other agencies to help an education authority in its functions under the 2004 Act if requested to do so. Appropriate agencies are currently defined under the legislation as:

- Any other local authority;
- Any Health Board;
- Fundable bodies within the meaning of section 6 of, and schedule 2 to, the Further and Higher Education (Scotland) Act 2005;
- The Scottish Agricultural College; and
- Scottish Enterprise and Highlands and Islands Enterprise (in relation to functions under sections 8 to 10A of the Employment and Training Act 1973 (careers services of education authorities and provision of ancillary goods and services)).

Agencies requested to help must comply with the request unless to do so would be incompatible with their own statutory duties or other duties or would unduly prejudice the discharge of any of their functions their functions. Appropriate agencies must comply with such a request within a period of 10 weeks (unless a specified exception to that time limit exists in which case the timescale cannot exceed 16 weeks).

Change to the named Appropriate Agencies

In light of the fact that the activities which made Scottish Enterprise and Highlands and Islands Enterprise suitable to be designated as “appropriate agencies” are now carried out by The Skills Development Scotland Co. Limited, the Order substitutes that body for the two Enterprise companies designated in the 2005 Order

Consultation

No formal consultation process has been conducted on this change.

Financial Effects

The instrument has no financial effects on the Scottish Government, local government and Health Boards or business.