
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 149

The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2010

Insertion of regulation 9A

6. After regulation 9 (transfer of the plan) insert—

“Transfer and review of the plan following a successful placing request

9A.—(1) This regulation applies where a child or young person to whom a plan relates moves from a school under the management of an education authority (“the original authority”), or from another place in which the original authority was responsible for providing school education to the child or young person, to a school under the management of another education authority (“the new authority”) as a result of an out of area placing request.

(2) The original authority must—

(a) no later than 4 weeks from the earlier of—

(i) the date the child or young person first attends the new school; or

(ii) the date it becomes aware that the child or young person has already started at the new school,

send the plan to the new authority;

(b) at the same time provide the new authority with the name and contact details for the persons mentioned in paragraph (6)(c) below.

(3) On receipt of the plan, the new authority must treat it 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.

(4) On receipt of the plan the new authority must—

(a) as soon as reasonably practicable inform the persons referred to in section 11(3) (a) or (b) of the Act that it proposes to conduct a review of the plan; and

(b) conduct a review of the plan within the time limits set down in regulations 5 and 7.

(5) As soon as reasonably practicable, the new authority must inform the persons mentioned in paragraph (6) 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 contact details of the Additional Support Co-ordinator for the plan within the new authority or appointed by that authority, and the name and contact details of 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).

(6) The persons mentioned in paragraph (5) above are—

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- (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.
- (7) For the purposes of this regulation the date of transfer is the date on which the original authority send the plan to the new authority in accordance with paragraph (2) above.
- (8) In this regulation, an “out of area placing request” means a placing request to an education authority which at the time of the request was not responsible for the school education of the child or young person.”.