

*These notes relate to the Education (Additional Support for Learning)
(Scotland) Act 2004 (asp 4) which received Royal Assent on 7 May 2004*

EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT

Section 12 – Duties to seek and take account of views, advice and information

26. This section places duties on education authorities to seek and take account of advice and information or views from others, including other agencies and the child or young person and their parents. This should be done when the education authority are establishing an individual's additional support needs or when determining the provision of support to be made. It should also be done when the authority are establishing whether a co-ordinated support plan is needed, when the need for continuing such a plan is being reviewed or when a plan is being prepared. Those who should be approached by the education authority will depend on the individual child or young person and their needs and whom the education authority consider appropriate. It may be necessary to seek advice and information from elsewhere in the public sector, from health professionals for example, or from a voluntary organisation that may have been supporting the child.
27. Subsections (5) and (6) provide specifically for the period prior to a child or young person with additional support needs leaving school. Education authorities must approach, for information, any other agency that they consider is likely to be involved with the child or young person once they have left school. Authorities must, when considering the adequacy of support to be provided to the individual, take account of that information and also any provision other than education that the local authority are likely to provide themselves on the child or young person ceasing school education. Authorities must also seek and take account of the views of the child or young person and their parents. This all should be done at least 12 months before the child or young person is expected to leave school, so it could be done when the child is 15 years old or even earlier.