

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 18 – References to Tribunal in relation to co-ordinated support plan

35. This section specifies the references that may be made to a Tribunal. If an education authority are responsible for providing school education for the child or young person, then the parent of the child or young person (if the young person lacks capacity to do this), or the young person themselves, may make a reference to a Tribunal.
36. Subsection (3) lists the matters that can be referred to a Tribunal. These are:
- decision of an education authority on whether or not a co-ordinated support plan is required or continues to be required,
 - failure by an education authority to prepare a co-ordinated support plan in the required time,
 - decisions of the education authority about information contained in a co-ordinated support plan relating to:
 - the reasons for the individual’s need for additional support,
 - the planned outcomes to be achieved,
 - the additional support required to achieve the planned outcomes,
 - who will provide the additional support,
 - failure by an education authority to carry out or to complete a review of the plan by the required time,
 - decision of an education authority to refuse to carry out an early review of the plan,
 - decision by an education authority to refuse a placing request to a specified school, in particular circumstances.
37. Where information in the co-ordinated support plan is referred to a Tribunal, there cannot be a further reference on the same information until an updated plan is issued following its next review. The information being referred does not need to have been changed from the previous version of the plan so long as the plan has been reviewed.
38. References relating to refusal of a placing request can be made to a Tribunal if, at the time the request was refused, a co-ordinated support plan has been prepared for the child or young person concerned, or a plan is about to be prepared or if a reference has been made to the Tribunal over the decision that a plan is not required. Referrals on refusal of placing requests can only be made once in each 12 months unless the plan has been reviewed in that period, or a Tribunal has ordered a plan to be amended or prepared.