



Education (Additional Support for Learning) (Scotland) Act 2004

2004 asp 4

Co-ordinated support plans

11 Co-ordinated support plans: further provision

- (1) Subsection (2) applies where an education authority propose—
- (a) in pursuance of any provision of this Act, to establish whether any child or young person requires, or would require, a co-ordinated support plan,
 - (b) to review under section 10 any such plan prepared for any child or young person.
- (2) Where this subsection applies, the education authority must—
- (a) before proceeding, inform the persons mentioned in subsection (3) of their proposal, and
 - (b) on establishing the matter referred to in subsection (1)(a) or, as the case may be, completing the review referred to in subsection (1)(b), inform those persons of—
 - (i) the outcome, and
 - (ii) the rights (if any) which they have under section 18(1) to make a reference to [^{F1}the First-tier Tribunal] in connection with the outcome.
- (3) The persons referred to in subsection (2)(a) are—
- (a) in the case of a child, the child's parent,
 - [^{F2}(aa) where the proposal—
 - (i) arises as a result of a request mentioned in section 6(2), 7(2)(a) or 10(4), and
 - (ii) relates to a child who has attained the age of 12 years, the child,]
 - (b) in the case of a young person—
 - (i) the young person, or
 - (ii) if the authority are satisfied that the young person lacks capacity to understand the information, the young person's parent,

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- (c) where the proposal arises as a result of a request referred to in section 7(1) made by the managers of an independent school or a grant-aided school, those managers.
- (4) Subsection (5) applies where an education authority—
- (a) prepare a co-ordinated support plan for any child or young person under this Act, or
 - (b) amend any such plan—
 - (i) following a review carried out under section 10, or
 - (ii) pursuant to a requirement made by [^{F3}the First-tier Tribunal] under subsection (4)(b) or (5)(b)(ii) of section 19.
- (5) Where this subsection applies, the education authority must—
- (a) give a copy of the plan or amended plan—
 - (i) in the case of a child, to the child’s parent,
 - [^{F4}(ia) in the case of a child who has attained the age of 12 years, to the child (but only if the plan was prepared or amended following a request mentioned in section 6(2), 7(2)(a) or 10(4) made by the child),]
 - (ii) in the case of a young person, to that young person or, if the authority are satisfied that the young person lacks capacity to understand the plan, to the young person’s parent,
 - (b) ensure that additional support is provided by them for the child or young person in accordance with the plan or amended plan so far as they have power to do so,
 - (c) seek to ensure that additional support is provided for the child or young person in accordance with the plan or amended plan by any person (other than the education authority) identified in the plan as a person by whom such support should be provided,
 - (d) co-ordinate, so far as possible, the provision of additional support for the child or young person as mentioned in paragraphs (b) and (c) by the authority and any other persons by whom such support is to be provided, and
 - (e) inform such persons as they consider appropriate, being persons who will be involved in the provision of additional support for the child or young person, of such matters contained in the plan or amended plan as they consider appropriate.
- (6) The education authority may arrange for the discharge of their duty under subsection (5)(d) by another person.
- (7) Subsection (6)—
- (a) does not affect the responsibility of the education authority for the discharge of their duty under subsection (5)(d), and
 - (b) is without prejudice to any other power of the education authority to arrange for the discharge of any of their functions under this Act by another person.
- (8) The Scottish Ministers may by regulations make further provision as to co-ordinated support plans including, in particular, provision as to—
- (a) the form of such plans,
 - (b) the information (in addition to that required by section 9(2)) to be contained in them,

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- (c) the preparation, keeping, disclosure, discontinuance and destruction of such plans,
- (d) the procedures to be followed in carrying out reviews of such plans under section 10,
- (e) the transfer of such plans ^{F5}...
- (f) without prejudice to the generality of the other paragraphs in this subsection, the times by which—
 - (i) such plans are to be prepared, and
 - (ii) reviews of them under section 10 are to be completed, and
- (g) such other matters in relation to co-ordinated support plans as the Scottish Ministers think necessary or expedient.

Textual Amendments

- F1** Words in s. 11(2)(b)(ii) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), reg. 1(1), **sch. 2 para. 3(3)(a)**
- F2** S. 11(3)(aa) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 10(a)**; [S.S.I. 2017/354](#), reg. 2(a)
- F3** Words in s. 11(4)(b)(ii) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), reg. 1(1), **sch. 2 para. 3(3)(b)**
- F4** S. 11(5)(a)(ia) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 10(b)**; [S.S.I. 2017/354](#), reg. 2(a)
- F5** Words in s. 11(8)(e) repealed (2.4.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 1(5)**, 26(3); [S.S.I. 2010/129](#), art. 2(a)

Commencement Information

- I1** S. 11(1)-(7) in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**
- I2** S. 11(8) in force at 18.5.2005 for specified purposes by [S.S.I. 2005/263](#), **art. 2**, **Sch.**
- I3** S. 11(8) in force at 14.11.2005 in so far as not already in force by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

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