



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

2004 asp 4

Appeals

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

- (1) Any of the persons specified in subsection (2) may refer to a Tribunal any decision, failure or information specified in subsection (3) relating to any child or young person for whose school education an education authority are responsible.
- (2) The persons referred to in subsection (1) are—
 - (a) where the decision, failure or information relates to a child, the parent of the child,
 - (b) where the decision, failure or information relates to a young person—
 - (i) the young person, or
 - (ii) where the young person lacks capacity to make the reference, the young person's parent.
- (3) The decisions, failures and information referred to in subsection (1) are—
 - (a) a decision of the education authority that the child or young person—
 - (i) requires a co-ordinated support plan, or
 - (ii) following a review carried out under section 10, still requires such a plan,
 - (b) a decision of the education authority that the child or young person—
 - (i) does not require such a plan, or
 - (ii) following a review carried out under section 10, no longer requires such a plan,
 - (c) where it has been established that the child or young person does require a co-ordinated support plan, failure by the education authority to prepare a plan by the time required by regulations made in pursuance of subsection (8)(f)(i) of section 11,
 - (d) where a co-ordinated support plan has been prepared (and not discontinued) for the child or young person—

- (i) any of the information contained in the plan by virtue of subsection (2) (a) of section 9,
 - (ii) failure by the education authority to carry out a review of the plan as required by subsection (2) of section 10,
 - (iii) where such a review is carried out, failure by the education authority to complete the review by the time required by regulations made in pursuance of subsection (8)(f)(ii) of section 11, or
 - (iv) a decision of the education authority to refuse a request referred to in subsection (4) of section 10,
 - (e) where subsection (4) applies, a decision of the education authority refusing a placing request made in respect of the child or young person.
- (4) This subsection applies where, at the time the placing request is refused—
- (a) a co-ordinated support plan has been prepared (and not discontinued) for the child or young person,
 - (b) no such plan has been prepared, but it has been established by the education authority that the child or young person requires such a plan, or
 - (c) the education authority have decided that the child or young person does not require such a plan and that decision has been referred to a Tribunal under subsection (1).
- (5) A decision of an education authority not to comply with a request referred to in section 6(2)(b) made in relation to any child or young person is to be treated for the purposes of this section as a decision of the authority that the child or young person does not require a co-ordinated support plan.
- (6) Where, in respect of any child or young person for whom a co-ordinated support plan has been prepared (and not discontinued), any of the information referred to in subsection (3)(d)(i) has been referred under subsection (1) to a Tribunal, a further reference under that subsection in respect of the same information is not competent unless, since the last such reference was disposed of, a review of the plan has been carried out under section 10.
- (7) Where a decision referred to in subsection (3)(e) in respect of a child or young person has been referred under subsection (1) to a Tribunal, a further reference under that subsection of such a decision in respect of the child or young person is not competent during the period of 12 months beginning with the day on which the last such reference of such a decision was made, unless, during that period—
- (a) a review of any co-ordinated support plan prepared for the child or young person has been carried out under section 10,
 - (b) any such plan prepared for the child or young person has been amended pursuant to a requirement made by a Tribunal under section 19(4)(b), or
 - (c) where the last such reference of such a decision was made by virtue of subsection (4)(c), a co-ordinated support plan has been prepared for the child or young person.