



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

2004 asp 4

Establishment of additional support needs and need for co-ordinated support plan

6 Children and young persons for whom education authority are responsible

- (1) Every education authority must make such arrangements as they consider appropriate for identifying—
- (a) from among the children and young persons for whose school education they are responsible—
 - (i) those who have additional support needs, and
 - (ii) those having additional support needs who require a co-ordinated support plan, and
 - (b) the particular additional support needs of the children and young persons so identified.

[^{F1}(1A) Without prejudice to the generality of subsection (1), every education authority must in particular consider whether each child or young person falling within section 1(1A) for whose school education they are responsible requires a co-ordinated support plan.]

- (2) Where an education authority receive from a person specified in subsection (3) a request to establish whether any child or young person for whose school education the authority are responsible—

- (a) has additional support needs, or
- (b) requires a co-ordinated support plan,

the authority must, in accordance with the arrangements made by them under subsection (1), comply with the request unless the request is unreasonable.

- (3) The persons referred to in subsection (2) are—

- (a) in the case of a child, the child's parent,

[^{F2}(aa) in the case of a child who has attained the age of 12 years and who the authority is satisfied has capacity to make the request, the child,]

- (b) in the case of a young person—
 - (i) the young person, or

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- (ii) if the authority are satisfied that the young person lacks capacity to make the request, the young person's parent.
- (4) Where, in pursuance of a request referred to in subsection (2), an education authority establish that a child or young person has additional support needs, the authority must inform—
- [^{F3}(a)] the person who made the request of that fact[^{F4}, and
 - (b) where that person is a child falling within subsection (3)(aa), the child's parent of that fact.]
- (5) Subsection (6) applies where a child or young person for whose school education an education authority are responsible comes to the attention of the authority as—
- (a) having, or appearing to have, additional support needs, or
 - (b) having such needs and requiring, or appearing to require, a co-ordinated support plan.
- (6) Where this subsection applies, the education authority must, in accordance with the arrangements made by them under subsection (1), establish whether the child or young person does have additional support needs or, as the case may be, require a co-ordinated support plan, unless the authority consider it unreasonable to do so.
- (7) Subsections (2) and (6) are without prejudice to subsection (1).

Textual Amendments

- F1** S. 6(1A) inserted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 8(2)**, 26(3); S.S.I. 2010/277, art. 2
- F2** S. 6(3)(aa) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 4(a)**; S.S.I. 2017/354, reg. 2(a)
- F3** Words in s. 6(4) renumbered as s. 6(4)(a) (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 4(b)(ii)**; S.S.I. 2017/354, reg. 2(a)
- F4** S. 6(4)(b) and word inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 4(b)(ii)**; S.S.I. 2017/354, reg. 2(a)

Commencement Information

- I1** S. 6 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 6.