



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

2004 asp 4

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

7 Other children and young persons

- (1) Where an education authority receive a request of a type specified in subsection (2) relating to any child or young person—
- (a) belonging to the area of the authority, but
 - (b) for whose school education [^{F1}an] authority are not responsible,
- [^{F1}an] authority may, in accordance with the arrangements made by them under section 6(1), comply with the request.
- (2) The types of request referred to in subsection (1) are—
- (a) a request from a person specified in subsection (3) to establish whether the child or young person in relation to whom the request is made—
 - (i) has additional support needs, or
 - (ii) would, if the education authority were responsible for the school education of the child or young person, require a co-ordinated support plan,
 - (b) in the case of a child or young person being provided with school education at an independent school or a grant-aided school, a request from the managers of the school to establish whether the child or young person would, if the education authority were responsible for the school education of the child or young person, require such a plan.
- (3) The persons referred to in subsection (2)(a) 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
 - (ii) if the authority are satisfied that the young person lacks capacity to make the request, the young person's parent.

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 7. (See end of Document for details)

- (4) Subsection (5) applies where a child or young person—
- (a) belonging to the area of an education authority, but
 - (b) for whose school education an education authority are not responsible,
- comes to the attention of the authority (otherwise than as a result of a request referred to in subsection (1)) as having, or appearing to have, additional support needs.
- (5) Where this subsection applies, the education authority may, in accordance with the arrangements made by them under section 6(1), establish whether the child or young person does have additional support needs.
- (6) Subsection (7) applies where, in pursuance of this section, an education authority establish that a child or young person—
- (a) has additional support needs, or
 - (b) would, if the education authority were responsible for the school education of the child or young person, require a co-ordinated support plan.
- (7) Where this subsection applies, the education authority must provide the persons mentioned in subsection (8) with such information and advice as to the additional support required by the child or young person as they consider appropriate.
- (8) The persons referred to in subsection (7) are—
- (a) in the case of a child, the child's parent,
 - [^{F3}(aa) in the case of a child falling within subsection (3)(aa) who the authority is satisfied has capacity in relation to the information or advice, 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 or advice, the young person's parent,
 - (c) where the authority establish the matter referred to in subsection (6) pursuant to a request made by the managers of an independent school or a grant-aided school, those managers.
- [^{F4}(9) Subsection (10) applies where an education authority receives a request as mentioned in subsection (1) relating to a child attending an independent or grant-aided school.
- (10) The authority may request the managers of the school to provide the authority with such information and advice as the authority thinks appropriate for the purpose of enabling the authority to assess the capacity of the child in relation to the request.]

Textual Amendments

- F1** Word in s. 7(1)(b) substituted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 1(3)**, 26(3); S.S.I. 2010/277, art. 2
- F2** S. 7(3)(aa) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 5(a)**; S.S.I. 2017/354, reg. 2(a)
- F3** S. 7(8)(aa) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 5(b)**; S.S.I. 2017/354, reg. 2(a)
- F4** S. 7(9)(10) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 5(c)**; S.S.I. 2017/354, reg. 2(a)

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 7. (See end of Document for details)

Commencement Information

II S. 7 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 7.