

*These notes relate to the Education (Additional Support for Learning) (Scotland) Act (asp 7) which received Royal Assent on 25 June 2009 (asp 7) which received Royal Assent on 25 June 2009*

# **EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT (ASP 7) WHICH RECEIVED ROYAL ASSENT ON 25 JUNE 2009**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### ***Section 18: References to Tribunal in relation to co-ordinated support plan***

53. Subsection (1)(a) of section 18 extends the circumstances in which parents and young persons can make references to the Tribunal to include failure by the education authority to provide, or make arrangements for the provision of, the additional support contained in a co-ordinated support plan which is necessary for the child or young person to achieve their educational objectives.
54. Subsection (1)(b) extends those circumstances to include certain procedural failures of the education authority. It provides that where a parent or young person has requested that the authority establish whether the child or young person requires a co-ordinated support plan and the authority have not responded to that request within a specified period of time (set out in regulations), the failure so to respond is treated as if it were a decision by the education authority that no co-ordinated support plan is required. It also provides that where an authority have notified a parent or young person that they will establish whether the child or young person requires a co-ordinated support plan but, after a specified period of time (set out in regulations), the authority have not made a decision on the matter either way, that failure is to be treated as if it were a decision of the education authority that no co-ordinated support plan is required. Decisions of an authority that no co-ordinated support plan is required can be referred to the Tribunal.
55. Subsection (2) amends section 19(3) of the 2004 Act to extend the power of the Tribunal to require the education authority to take action to rectify the failure by the authority to provide, or make arrangements for the provision of, the additional support contained in a co-ordinated support plan which is necessary for the child or young person to achieve their educational objectives. It also enables the Tribunal to specify a timescale within which such action must be taken.