



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

## 2004 asp 4

### *Co-ordinated support plans*

#### **9 Duty to prepare co-ordinated support plans**

- (1) Where an education authority establish in pursuance of any provision of this Act that a child or young person for whose school education they are responsible requires a co-ordinated support plan, they must prepare such a plan for the child or young person.
- (2) A co-ordinated support plan prepared under subsection (1) must contain—
  - (a) a statement of the education authority's conclusions as to—
    - (i) the factor or factors from which the additional support needs of the child or young person arise,
    - (ii) the educational objectives sought to be achieved taking account of that factor or those factors,
    - (iii) the additional support required by the child or young person to achieve those objectives, and
    - (iv) the persons by whom the support should be provided,
  - (b) a nomination of a school to be attended by the child or young person,
  - (c) the name and other appropriate contact details of—
    - (i) the officer of the authority responsible for the discharge of the authority's duty under subsection (5)(d) of section 11, or
    - (ii) if the authority arrange under subsection (6) of that section for that duty to be discharged by another person, that other person, and
  - (d) the name and other appropriate contact details of an officer of the authority from whom—
    - (i) in the case of a plan prepared for a child, the child's parent [<sup>F1</sup>can obtain advice and further information],
    - [<sup>F2</sup>(ia) in the case of a plan prepared following a request mentioned in section 6(2), 7(2)(a) or 10(4) for a child who has attained the age of 12 and who the authority is satisfied has capacity in relation to advice or further information from the officer, the child can obtain such advice and information,]

**Changes to legislation:** There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Cross Heading: Co-ordinated support plans. (See end of Document for details)

- (ii) in the case of a plan prepared for a young person, the young person or, where the authority are satisfied that the young person lacks capacity to seek advice or information, the young person's parent [<sup>F3</sup>can obtain such advice and information].

F4  
...

- (3) The references in subsection (2)(a) to educational objectives are to objectives set to secure that the child or young person benefits from school education (within the meaning of section 1(1)) provided or to be provided for the child or young person.

#### Textual Amendments

- F1** Words in s. 9(2)(d)(i) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 8(a)**; S.S.I. 2017/354, reg. 2(a)
- F2** S. 9(2)(d)(ia) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 8(b)**; S.S.I. 2017/354, reg. 2(a)
- F3** Words in s. 9(2)(d)(ii) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 8(c)**; S.S.I. 2017/354, reg. 2(a)
- F4** Words in s. 9(2)(d) repealed (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 8(d)**; S.S.I. 2017/354, reg. 2(a)

#### Commencement Information

- I1** S. 9 in force at 14.11.2005 by S.S.I. 2005/564, **art. 2**

## 10 Reviews of co-ordinated support plans

- (1) Every education authority must keep under consideration the adequacy of any co-ordinated support plans prepared (and not discontinued) for any children or young persons [<sup>F5</sup>for whose school education they are responsible].
- (2) The education authority must carry out a review of each such co-ordinated support plan—
- on the expiry of the period of 12 months beginning with the date on which the plan was prepared, and
  - thereafter, on the expiry of each successive period of 12 months beginning with the date on which the previous review (whether carried out under this subsection or subsection (3) or (4)) of the plan was completed.
- (3) An education authority may carry out a review of such a co-ordinated support plan before the expiry of a period referred to in subsection (2) only—
- pursuant to a request referred to in subsection (4), or
  - if the authority consider it necessary or expedient to do so because of a significant change in the circumstances of the child or young person for whom the plan was prepared since the plan was prepared or, as the case may be, last reviewed.
- (4) Where the education authority receive from a person specified in subsection (5) a request to carry out a review of any such co-ordinated support plan as is mentioned in subsection (1) before the expiry of a period referred to in subsection (2), the authority must carry out a review of the plan unless the request is unreasonable.
- (5) The persons referred to in subsection (4) are—

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- (a) in the case of a co-ordinated support plan prepared for a child, the child's parent,
  - [<sup>F6</sup>(aa) in the case of a co-ordinated support plan prepared for 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 co-ordinated support plan prepared for a young person—
    - (i) the young person, or
    - (ii) where the education authority are satisfied that the young person lacks capacity to make the request, the young person's parent.
- [<sup>F7</sup>(5A) Where any such co-ordinated support plan as is mentioned in subsection (1) is transferred to the education authority by virtue of regulations made in pursuance of section 11(8), the authority must carry out a review of the plan as soon as practicable after the date of transfer.]
- (6) In reviewing any co-ordinated support plan under this section, the education authority must, in accordance with the arrangements made by them under section 6(1), establish whether the child or young person for whom the plan was prepared still requires such a plan and—
    - (a) if so, continue the plan for the child or young person and make such amendments of it as the authority consider necessary or appropriate, or
    - (b) if not, discontinue the plan.

#### Textual Amendments

- F5** Words in s. 10(1) substituted (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 1(4)(a)**, 26(3); S.S.I. 2010/277, art. 2
- F6** S. 10(5)(aa) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 9**; S.S.I. 2017/354, reg. 2(a)
- F7** S. 10(5A) inserted (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 1(4)(b)**, 26(3); S.S.I. 2010/277, art. 2

#### Commencement Information

- I2** S. 10 in force at 14.11.2005 by S.S.I. 2005/564, **art. 2**

## 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

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- (ii) the rights (if any) which they have under section 18(1) to make a reference to <sup>F8</sup>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,
  - <sup>F9</sup>(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,
  - (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 <sup>F10</sup>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,
    - <sup>F11</sup>(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.

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- (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,
  - (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 <sup>F12</sup>...
  - (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

- F8** 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)**
- F9** 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)
- F10** 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)**
- F11** 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)
- F12** 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

- I3** S. 11(1)-(7) in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**
- I4** S. 11(8) in force at 18.5.2005 for specified purposes by [S.S.I. 2005/263](#), art. 2, **Sch.**
- I5** 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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