Education (Additional Support for Learning) (Scotland) Act 2009

2009 asp 7

Additional Support Needs Tribunals for Scotland

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

(1) In section 18 of the 2004 Act (references to Tribunal in relation to co-ordinated support plan)—

   (a) after subsection (3)(d)(i) insert—

> "(ia) failure by the education authority to provide, or make arrangements for the provision of, the additional support (whether relating to education or not) identified by virtue of section 9(2)(a)(iii),",

   (b) after subsection (5) insert—

> "(5A) Where an education authority fail, in response to a request referred to in section 6(2)(b)—
>
>   (a) to inform under subsection (2)(a) of section 11 the persons mentioned in subsection (3) of that section of their proposal to establish whether a child or young person requires, or would require, a co-ordinated support plan by the time required by regulations made in pursuance of subsection (8) of that section, or
>
>   (b) to inform those persons of any decision not to comply with the request by the time required by such regulations,
>
> that failure 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.
>
> (5B) Where under subsection (2)(a) of section 11 the education authority have informed the persons mentioned in subsection (3) of that section of their proposal to establish whether the child or young person requires, or would require, a co-ordinated support plan, failure by the authority so to establish by the time required by regulations made in pursuance of subsection (8) of that section 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.".

(2) In section 19(3) of the 2004 Act (powers of Tribunal in relation to reference) for "(d)(ii)" substitute "(d)(ia), (ii)".