



# 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 the authority are not responsible,the 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,
  - (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.
- (4) Subsection (5) applies where a child or young person—
  - (a) belonging to the area of an education authority, but

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*Status: This is the original version (as it was originally enacted).*

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- (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,
  - (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.