
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 149

The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2010

Insertion of regulation 6A

5. After regulation 6 (date of providing information or copy of plan) insert—

“Information flow arrangements

6A.—(1) Where an education authority which is responsible for the school education of the child or young person informs a parent or young person—

- (a) of the outcome of a proposal under section 11(2)(b)(i) of the Act; or
- (b) under section 28(2) of the Act, of its decision,

it must also inform the parent or young person that, if the parent or young person has made a placing request to a potential host authority which—

- (c) has not been decided by that authority; or
- (d) has been refused by that authority and refusal has been referred to, and is under consideration by, an appeal committee; or
- (e) has been refused by that authority, refusal confirmed by an appeal committee, and that decision appealed to, and is under consideration by, a sheriff,

they are to notify the potential host authority—

- (f) if the outcome referred to in sub-paragraph (a) is that a co-ordinated support plan is to be prepared;
- (g) if the outcome referred to in sub-paragraph (a) is that a co-ordinated support plan is not to be prepared and the parent or young person exercises their right to refer that decision to a Tribunal under section 18(1) of the Act;
- (h) if the parent or young person has been informed under section 28(2) of the Act that an education authority has decided not to comply with any request made to it under the Act, and the parent or young person has referred that decision to a Tribunal.

(2) Where a potential host authority has been notified under paragraph (1)(f) - (h) it must inform the appeal committee or the sheriff, if appropriate, of that notification and advise the appeal committee or the sheriff that any reference or appeal made by the parent or young person must immediately be transferred to the Tribunal in terms of paragraphs 6(4) and (5) and 7(8) and (9) of schedule 2 to the Act.

(3) Where an education authority informs a parent or young person of any of the matters referred to in paragraph (1)(a) – (b), it must also inform that person in writing that if making a placing request to a potential host authority they are to advise the potential host authority when they make the placing request of that matter.

(4) Where an education authority which is responsible for the school education of a young person informs a parent or young person in accordance with paragraph (1)(a) – (b),

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it must also inform the parent or young person that, if the circumstances in paragraph (5) apply, and if the outcome is that any of the circumstances in paragraphs (1)(f) – (h) apply, it must also inform those persons in writing that they may appeal to the Tribunal and of any time limit for appeal.

(5) The circumstances are that the parent or young person has made a placing request to a potential host authority which has been refused by that authority, the refusal has been confirmed by an appeal committee, and the parent or young person has not appealed to the sheriff in accordance with paragraph 7 of schedule 2 to the Act.

(6) In this regulation, “potential host authority” means an education authority other than the education authority in whose area the child or young person lives.”.