

*These notes relate to the Education (Additional Support for Learning)  
(Scotland) Act 2004 (asp 4) which received Royal Assent on 7 May 2004*

# **EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 7 – Other children and young persons***

16. This section enables a request to be made in relation to children and young people for whose school education the education authority are not responsible. Children and young people not being educated in the public system are not eligible for a co-ordinated support plan, but the education authority are given powers to be able to help them where they may have additional support needs. Parents of these children, or young people themselves, may request the education authority to establish whether their child, or they as a young person, have additional support needs. They may also request the authority to establish whether they would, if they were receiving school education from the education authority, require a co-ordinated support plan. The managers of independent schools and grant-aided schools may also make such a request about one of their pupils requiring a plan. Where someone, other than parents or school managers, draws to the attention of an education authority that a child or young person may have additional support needs, the authority may take action to establish that fact.
17. Education authorities are not under a duty to comply with any request, but have discretion to do so. If they do comply, and the child or young person does have additional support needs or would, had they been the responsibility of the authority, have required a co-ordinated support plan, then the education authority must provide appropriate advice and information to the parent or young person or the managers of the independent or grant-aided school. Education authorities are not under any obligation to make provision for supporting the learning of the child or young person who is not in the public schooling system, but they are not prevented from doing so.