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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 266**

**The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Regulations 2005**

**Time Limit Exceptions**

7.—(1) Subject to paragraphs (2) and (3) below, an education authority need not comply with the time limit if it is impractical to do so because—

- (a) the education authority has sought advice or information from a school where the child or young person is or has been in attendance during a period beginning 1 week before any date on which that school was closed for a continuous period of not less than 4 weeks from that date and ending on the date on which it re-opens;
- (b) the child's parent, or the young person, has indicated to the education authority that the parent or young person wishes to provide advice or information to the education authority after the expiry of the time limit and the education authority has agreed to consider such advice or information before establishing whether a plan is or would be required or is still required;
- (c) the child's parent or the young person has made an assessment request under section 8 of the Act and the process of assessment or examination in pursuance of that request cannot take place or the results of that process are not available before the expiry of the time limit;
- (d) the education authority has sought advice or information from an appropriate agency or other person under section 12(2)(a) of the Act and the appropriate agency or other person has not provided the advice or information before the expiry of the time limit;
- (e) the education authority has requested help from an appropriate agency under section 23(1) of the Act and the appropriate agency has not responded before the expiry of the period of the time limit;
- (f) exceptional personal circumstances affect the child or the child's parent or the young person during the period of the time limit;
- (g) the child or the child's parent or the young person is absent from the area of the education authority for a continuous period of not less than 4 weeks during the period of the time limit;
- (h) the child or the young person fails to keep an appointment for an assessment or examination during the period of the time limit; or
- (i) in exceptional cases after receiving advice or information or views under section 12 of the Act from an appropriate agency or other person, or the child or the child's parent or the young person or a response from an appropriate agency under section 23 of the Act it is necessary for the education authority to seek further advice or information or views and that further advice or information or views cannot be obtained before the expiry of the time limit.

(2) Where paragraph (1) above applies an education authority must on becoming aware that the time limit cannot be complied with—

- (a) establish a date by which a copy of the plan or decision that a plan is not required, as the case may be, must be given to the persons mentioned in section 11(5)(a) of the Act; and
  - (b) inform those persons of the reason why the time limit in regulation 4 or 5 cannot be complied with and of the date established under sub-paragraph (a).
- (3) The date established under paragraph (2)(a) above must not exceed the time limit by longer than is reasonably necessary in the circumstances and in any event must be not more than–
- (a) 24 weeks starting on the date when information of the proposal is sent under regulation 4;
  - (b) 20 weeks starting on the applicable expiry date provided for in section 10 of the Act; or
  - (c) where there is to be an earlier review provided for in sub-section (3) of that section, 20 weeks starting on the date when information of the review proposal is sent under regulation 5.
- (4) The provisions of regulations 4 and 5 of these Regulations will otherwise apply to the date established under paragraph (2)(a) above as if that date was the time limit.