



Disabled Persons (Services, Consultation and Representation) Act 1986

1986 CHAPTER 33

PART III

SCOTLAND

12 Amendment of the 1970 Act and the 1968 Act

- (1) In section 29 of the 1970 Act in subsection (2) (which extends the Act to Scotland) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) any references to functions under section 29 of the National Assistance Act 1948 shall be construed as references to duties to—
 - (i) chronically sick or disabled persons; or
 - (ii) persons suffering from mental disorder, (being persons in need) to whom section 12 of the Social Work (Scotland) Act 1968 applies ;”.
- (2) In section 2 of the 1968 Act (social work committees and functions referred to them) in paragraph (a) of subsection (2) after the word " Act " there shall be inserted the words " as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986 ".
- (3) The foregoing provisions of this section extend to Scotland only.

13 Disabled persons leaving special education: Scotland

- (1) Before an education authority make a report under section 65B(1) of the 1980 Act on a child they shall require the appropriate authority to give an opinion as to whether or not the child is a disabled person.
- (2) Where the appropriate authority have given an opinion that the child is a disabled person, the education authority shall make a note of this opinion in the Record kept

under section 60(2) of the 1980 Act and in the report made under section 65B(1) of that Act.

- (3) Where an education authority—
- (a) intend to record a child or young person under section 60(2) of the 1980 Act (recording of children with special educational needs) after the period mentioned in section 65B(2) of that Act; or
 - (b) after making a report under the said section 65B(1) on a child or young person who was not at the time of the report a disabled person, become aware of a significant change in the mental or physical condition of the child or young person giving them reason to believe that he may now be a disabled person,
- they shall before opening the Record or, as the case may be, on becoming aware of the change, require the appropriate authority to give an opinion as to whether or not the child or young person is a disabled person and if the appropriate authority give an opinion that he is, this opinion shall be recorded in the Record and (where applicable) the report.
- (4) Where the appropriate authority have given an opinion that a child or young person is a disabled person it shall be the duty of that authority to make an assessment of the needs of that child or young person with respect to the provision by the authority of any statutory services for that person in accordance with the welfare enactments, and for that assessment to be carried out—
- (a) in the case of a child in relation to whom a report is made under section 65B(1) of the 1980 Act, within the period mentioned in section 65B(2) of that Act: and
 - (b) in the case of a child or young person who is considered to be disabled under subsection (3) above, as soon as is reasonably practicable (but, in any event, not later than 6 months from the time the appropriate authority was asked for an opinion as to whether or not the child or young person was a disabled person),
- and to make a report thereon.
- (5) Where the appropriate authority have given an opinion that a child or young person is a disabled person and it subsequently appears to the education authority—
- (a) that the child or young person will cease to receive full time education at school at a particular date and will not subsequently be receiving full-time education at a further education establishment; or
 - (b) that the child or young person will cease to receive full time education at such an establishment on a particular date,
- the education authority shall, not later than 6 months before that date, record the date in the report or (if no report has been made) give written notification of the date to the appropriate authority.
- (6) If at any time it appears to the education authority—
- (a) that a child or young person who has been recorded as being disabled has ceased to receive full-time education ; and
 - (b) the authority did not at the appropriate time—
 - (i) record that date in the report made under section 65B of the 1980 Act; or (as the case may be)
 - (ii) give notification to the appropriate authority; and
 - (c) a copy of the report has not been sent to the bodies mentioned in section 65B(6) of the said Act,

they shall, as soon as is reasonably practicable, record the date in the report and send a copy of the report to the appropriate authority or (if no report has been made) give written notification of the date to the appropriate authority.

- (7) The education authority and the appropriate authority shall keep under consideration the cases of all children and young persons on whom a report has been made under section 65B of the 1980 Act or, as the case may be, under subsection (4) and shall at such times as they consider appropriate review the information contained in the report.
- (8) Nothing in subsection (4) shall require the appropriate authority to make an assessment of the needs of a child or young person—
 - (a) if, having attained the age of 16, he has requested that such an assessment should not be made under that subsection ; or
 - (b) if, being under that age or unable to make such a request by reason of any mental or physical incapacity, his parent has made such a request.
- (9) In this section " appropriate authority " means the local authority for the purposes of the 1968 Act falling to perform functions in relation to the child or young person; and expressions used in the 1980 Act have the same meaning in this section as in that Act.
- (10) The foregoing provisions of this section extend to Scotland only.

14 Assessment and recording of children and young persons

- (1) The 1980 Act is amended in accordance with the provisions of this section.
- (2) In section 4 (duty of education authorities to provide child guidance service)—
 - (a) for the words " a child guidance service in child guidance clinics " there shall be substituted the words " a regional or island authority psychological service in clinics " ; and
 - (b) in sub-paragraph (c) the words " child guidance " shall be omitted.
- (3) In section 61 (examination and assessment of children and young persons)—
 - (a) in subsection (1)—
 - (i) for the words from " process of assessment" to " in his education " there shall be substituted the words " process of observation and assessment (including educational, psychological and medical assessments) " ;
 - (ii) in paragraphs (a) and (b) for the words " a medical examination and a psychological examination " there shall be substituted the word " assessment " ;
 - (b) in subsection (2)—
 - (i) for the words " a medical examination " there shall be substituted the word " assessment " ;
 - (ii) for the words " that examination" there shall be substituted the words " any medical examination held in connection with the assessment " ;
 - (c) in subsection (3)—
 - (i) in paragraph (a) for the word " examinations " there shall be substituted the word " assessment " ;
 - (ii) in paragraph (b) for the words " the examinations " there shall be substituted the words " any examinations held in connection with the assessment " ;

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

- (iii) in paragraph (c) for the words " the medical examination " there shall be substituted the words " any medical examination held in connection with the assessment " ;
 - (d) in subsection (6) after the words " process of " there shall be inserted the words " observation and " ;
 - (e) in subsection (7) in paragraph (a) after the words " process of " there shall be inserted the words " observation and " ;
- (4) In section 62 (recording of children and young persons)—
- (a) in subsection (1) in paragraphs (a) and (b) after the words " process of " there shall be inserted the words " observation and " ;
 - (b) in subsection (2) in paragraph (c) at the end there shall be added the words " unless the parent of the child or of the young person or, as the case may be, the young person has requested the education authority not to appoint such a person " .
- (5) In section 63 (appeals against decisions about recorded children or young persons)—
- (a) in subsection (1) after paragraph (a) there shall be inserted—
 - “(aa) a decision of an education authority not to record the child or, following a review under section 65A of this Act, not to continue to record him ;”;
 - (b) in subsection (2) before paragraph (a) there shall be inserted—
 - “(aa) a decision of an education authority not to record the young person or, following a review under section 65A of this Act, not to continue to record him;”.
- (6) In section 64 (provisions supplementary to section 63) in subsection (1) in paragraph (a)—
- (a) after the words " (1)(a) " there shall be inserted " , (aa) " ;
 - (b) for the words " (2)(a) " substitute " (2)(aa) or (a) " .
- (7) The foregoing provisions of this section extend to Scotland only.

15 Co-operation in planning

- (1) In relation to disabled persons the duty under section 13 of the 1978 Act of Health Boards and local authorities to cooperate with one another shall include—
- (a) joint planning of services of common concern to those authorities;
 - (b) consultation with voluntary organisations providing services similar in function to those mentioned in the preceding paragraph;
 - (c) the publication at such times and in such manner as they consider appropriate of joint plans for the development of such services.
- (2) The foregoing provisions of this section extend to Scotland only.