Health and Education Chamber
First-tier Tribunal for Scotland

Additional Support Needs

DECISION OF THE TRIBUNAL

Reference

1. This is a reference by the appellant under section 18(3)(b)(i) of the Education (Additional Support for Learning) (Scotland) Act 2004 (**2004 Act**) seeking an order the requiring the respondent to prepare a co-ordinated support plan (**CSP**) for the child.

Decision

2. I overturn the respondent's decision of 19 October 2025 in which it refused to make a CSP for the child, and I require the respondent to prepare and issue CSP for the child by 26 June 2026, all under section 19(2)(b) of the 2004 Act.

Process

3. The parties have agreed that I may issue a decision in terms agreed in writing by them, under rule 50(2) of the First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 (**the Tribunal rules**).

4. In asking the Tribunal to do this, the parties have agreed in writing to dispense with a hearing under rule 37(2)(d) of the Tribunal rules. This means that I may proceed as a legal member to decide the reference. I conclude that it appropriate, fair and just to do so.

Findings in Fact

5. The child is 12 years old.

6. The child has been diagnosed with autism spectrum disorder, dyslexia, anxiety disorder, attention deficit hyperactive disorder, sever disease, PANDAS, sensory processing difficulties, post-viral fatigue, idiopathic intracranial hypertension, numbness, hyperacusis, misophonia, hyperparathyroidism, cerebral folate deficiency, long covid and obstructive sleep apnoea.

7. On 19 October 2025, the respondent decided that the child did not require a CSP. The appellant made this reference as a result.

8. In the course of the reference proceedings, historical and existing information was provided by the appellant and a third-party agency to the respondent, as a result of which the respondent, of its own volition, considered the matter afresh.

9. In light of that reconsideration, the respondent concluded that the criteria for a CSP were met in respect of the child.

10. The respondent has agreed to prepare a CSP for the child by 25 June 2026. It intimated its agreement to do so by sending a letter to the appellant on 23 March 2026.

Reasons for the Decision

11. The parties agree that the following legal tests are met:

    a. That the respondent is an education authority responsible for the school education of the child (2004 Act, section 2(1)(a)).

    b. That the child has additional support needs arising from multiple and complex factors (2004 Act, section 2(1)((b)).

    c. That the child's additional support needs are likely to continue for more than one year (2004 Act, section 2(1)(c)).

    d. That the child's additional support needs require significant additional support to be provided by (1) the respondent in the exercise of its functions relating to education and by (2) the Child and Adolescent Mental Health Services (2004 Act, section 2(1)(d)(ii)).

12. The parties agree that in preparing a coordinated support plan, the respondent will have regard to its duties under section 12(2) of the 2004 Act to seek and take account of information from other relevant NHS practitioners for the post-infectious element of the child's diagnoses as the respondent thinks appropriate and to take account of any relevant advice or information provided to the respondent by or on behalf of the child.

13. On a reference under section 18(3)(b)(i) of the 2004 Act, the Tribunal is limited to confirming the education authority's decision or overturning it. In the latter event, the Tribunal may require the education authority to take such action as the Tribunal considers appropriate by such time as the Tribunal may require. In light of the Tribunal's limited jurisdiction, the parties agree that the fair and just outcome is to overturn the education authority's decision, even though the authority has since, in light of the new information available to it, departed from that decision and satisfied itself that that the criteria for a CSP are met in respect of the child.

14. Since the parties have agreed an outcome to this reference, it is fair and just to issue a decision reflecting that agreement.