



Education (Additional Support for Learning) (Scotland) Act 2004

2004 asp 4

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

Main definitions

- 1 Additional support needs
- 2 Co-ordinated support plans
- 3 Children and young persons: capacity
- 3A Children: assessment of capacity, etc.
- 3B Assessment of wellbeing
- 3C Rights of parents of children aged 12 or over

General powers and duties

- 4 Duties of education authority in relation to children and young persons for whom they are responsible
- 5 General functions of education authority in relation to additional support needs

Establishment of additional support needs and need for co-ordinated support plan

- 6 Children and young persons for whom education authority are responsible
- 7 Other children and young persons
- 8 Assessments and examinations
- 8A Assessments and examinations: further provision

Co-ordinated support plans

- 9 Duty to prepare co-ordinated support plans
- 10 Reviews of co-ordinated support plans
- 11 Co-ordinated support plans: further provision

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004. (See end of Document for details)

Exchange of information

- 12 Duties to seek and take account of views, advice and information
- 13 Provision of information etc. on occurrence of certain events

Supporters and advocacy

- 14 Supporters and advocacy
- 14A Provision of advocacy service: First-tier Tribunal

Mediation and dispute resolution

- 15 Mediation services
- 16 Dispute resolution

Appeals

- 17 Additional Support Needs Tribunals for Scotland
- 18 References to the First-tier Tribunal
- 19 Powers of First-tier Tribunal in relation to reference
- 20 References to First-tier Tribunal and powers of First-tier Tribunal: further provision
- 21 Appeal to Court of Session against Tribunal decision

Placing requests

- 22 Placing requests

Miscellaneous

- 23 Other agencies etc. to help in exercise of functions under this Act
- 24 Power to prescribe standards etc. for special schools
- 25 Attendance at establishments outwith the United Kingdom
- 26 Publication of information by education authority
- 26A Availability of information on additional support needs
- 27 Code of practice and directions
- 27A Collection of data on additional support needs

General

- 28 Requests under this Act: further provision
- 29 Interpretation
- 30 Transitional provision: recorded children and young persons
- 31 Duty to inform in writing or alternative permanent form
- 31A Provision of support service
- 32 Ancillary provision
- 33 Modification of enactments
- 34 Orders, regulations and rules
- 35 Commencement and short title

SCHEDULE 1 — Additional Support Needs Tribunals for Scotland

Interpretation

- 1 In this schedule— “panel” means a panel referred to in...

The President

- 2 (1) The Scottish Ministers must not appoint an individual under...

The panels

- 3 (1) The Scottish Ministers must appoint— (a) a panel of...

Constitution of Tribunals

- 4 (1) The President must from time to time constitute such...

Terms of Office

- 5 (1) Each Tribunal member— (a) holds office for such period...

Removal from office

- 6 The Scottish Ministers may remove a Tribunal member from office...

Allowances for Tribunal members

- 7 The Scottish Ministers may pay to a Tribunal member such...

Administration of Tribunal functions

- 8 (1) The Tribunals constituted under paragraph 4(1) are to sit...

Staff, property and services

- 9 (1) The Scottish Ministers are to provide the President and...

Finance

- 10 The Scottish Ministers are to pay any expenses reasonably incurred...

Rules of procedure

- 11 (1) The Scottish Ministers must make rules as to the...
11A *Power to monitor implementation of Tribunal decisions*

Practice directions

- 12 The President may give directions as to the practice and...

Evidence

- 13 (1) A Tribunal may by citation require any person—

Decisions of a Tribunal

- 14 (1) A decision of a Tribunal— (a) may be reached...

Annual report

- 15 (1) The President must, in respect of each reporting year,...

Disclosure of information

- 16 The President must, at such times and in respect of...

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Allowances etc for attendance at hearings and preparation of reports

17 A Tribunal may pay to any person (other than the...

SCHEDULE 2 — Children and young persons with additional support needs:
placing requests

Introductory

1 Sections 28A, 28C, 28E, 28F and 28G of the 1980...

Duty to comply with placing requests

2 (1) Where the parent of a child having additional support...

Circumstances in which duty does not apply

3 (1) The duty imposed by sub-paragraph (1) or, as the...

Placing requests: further provision

4 (1) An education authority must inform a parent in writing...

Reference to appeal committee of refusal of placing request

5 (1) A parent who has made a placing request may...

References to appeal committees: supplementary provisions

6 (1) An appeal committee may, on a reference made to...

Appeal to sherrif from appeal committee

7 (1) A parent who has made a reference to an...

Young persons having additional support needs

8 (1) Paragraphs 2 to 7 apply to a young person...

SCHEDULE 3 — Modification of enactments

Teaching Council (Scotland) Act 1965 (c.19)

1 In the Teaching Council (Scotland) Act 1965, in Part I...

National Health Service (Scotland) Act 1978 (c.29)

2 In the National Health Service (Scotland) Act 1978, in section...

Education (Scotland) Act 1980 (c.44)

3 (1) The Education (Scotland) Act 1980 is amended as follows....

Education (Scotland) Act 1981 (c.58)

4 In the Education (Scotland) Act 1981, the following provisions are...

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Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)

- 5 In the Disabled Persons (Services, Consultation and Representation) Act 1986,...

Self-Governing Schoolsetc. (Scotland) Act 1989 (c.39)

- 6 In the Self-Governing Schools etc. (Scotland) 1989, the following provisions...

Further and Higher Education(Scotland) Act 1992 (c.37)

- 7 In the Further and Higher Education (Scotland) Act 1992, the...

Tribunals and Inquiries Act 1992 (c.53)

- 8 In Part II of Schedule 1 to the Tribunals and...

Children (Scotland) Act 1995 (c.36)

- 9 In the Children (Scotland) Act 1995, in Schedule 4 (minor...

Education (Scotland) Act 1996 (c.43)

- 10 In the Education (Scotland) Act 1996— (a) in section 4...

Standards in Scotland's Schools etc. Act 2000 (asp 6)

- 11 In the Standards in Scotland's Schools etc. Act 2000, sections...

Changes to legislation:

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