



# 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 who lack capacity

### *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

### *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

### *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

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### *Supporters and advocacy*

#### 14 Supporters and advocacy

#### *Mediation and dispute resolution*

#### 15 Mediation services

#### 16 Dispute resolution

#### *Appeals*

#### 17 Additional Support Needs Tribunals for Scotland

#### 18 References to Tribunal in relation to co-ordinated support plan

#### 19 Powers of Tribunal in relation to reference

#### 20 References to Tribunal and powers of 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

#### 27 Code of practice and directions

#### *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

#### 32 Ancillary provision

#### 33 Modification of enactments

#### 34 Orders, regulations and rules

#### 35 Commencement and short title

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## 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...

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### *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...

### *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...

### *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

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### *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...

#### *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...

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*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...

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**Changes and effects yet to be applied to :**

- s. 1(1A)(1B) inserted by 2009 asp 7 s. 8(1)
- s. 1(3)(a) text amended by 2009 asp 7 s. 1(2)
- s. 1(3)(a) text amended by 2009 asp 7 s. 6(a)
- s. 1(3)(b) text amended by 2009 asp 7 s. 6(b)
- s. 5(2)(3) substituted by 2009 asp 7 s. 9
- s. 5(3)(c) amendment to earlier affecting provision 2009 asp 7 s. 9 (as amended by 2010 c. 15 Sch. 26 Pt. 2 para. 107) (as inserted) by S.I. 2010/2279 Sch. 1 para. 6
- s. 6(1A) inserted by 2009 asp 7 s. 8(2)
- s. 7(1)(b) text amended by 2009 asp 7 s. 1(3)
- s. 10(1) text amended by 2009 asp 7 s. 1(4)(a)
- s. 10(5A) inserted by 2009 asp 7 s. 1(4)(b)
- s. 11(8)(e) text amended by 2009 asp 7 s. 1(5)
- s. 12(3A) inserted by 2009 asp 7 s. 1(6)
- s. 13(4A) inserted by 2009 asp 7 s. 17
- s. 15(1) text amended by 2009 asp 7 s. 2(d)(e)
- s. 15(1)(a) substituted by 2009 asp 7 s. 2(a)
- s. 15(1)(b) substituted by 2009 asp 7 s. 2(b)
- s. 15(1)(c) text amended by 2009 asp 7 s. 2(c)
- s. 15(2) text amended by 2009 asp 7 s. 11
- s. 16(1)(a) text amended by 2009 asp 7 s. 3(a)
- s. 16(1)(b) text amended by 2009 asp 7 s. 3(b)
- s. 16(1)(c) text amended by 2009 asp 7 s. 3(c)
- s. 16(2)(za) inserted by 2009 asp 7 s. 12
- s. 17(1) text amended by 2010 c. 15 Sch. 17 para. 12(a) Sch. 27 Pt. 1 (Sch. 27 Pt. 1 was substituted by SI 2010/2279, art. 13, Sch. 2)
- s. 17(1A) inserted by 2010 c. 15 Sch. 17 para. 12(b)
- s. 18 title text amended by 2009 asp 7 s. 19(1)(a)
- s. 18(3)(d)(ia) inserted by 2009 asp 7 s. 18(1)(a)
- s. 18(3)(e) text amended by 2009 asp 7 s. 1(7)(b)
- s. 18(3)(f) inserted by 2009 asp 7 s. 1(7)(c)
- s. 18(3)(g) inserted by 2009 asp 7 s. 19(1)(b)
- s. 18(3)(da) inserted by 2009 asp 7 s. 1(7)(a)
- s. 18(4) text amended by 2009 asp 7 s. 1(7)(d)(i)
- s. 18(4)(ba) inserted by 2009 asp 7 s. 1(7)(d)(ii)
- s. 18(5A)(5B) inserted by 2009 asp 7 s. 18(1)(b)
- s. 18(7) text amended by 2009 asp 7 s. 1(7)(e)
- s. 19(3) text amended by 2009 asp 7 s. 18(2)
- s. 19(3) text amended by 2009 asp 7 s. 19(2)
- s. 19(4A) inserted by 2009 asp 7 s. 1(8)(a)
- s. 19(5)(b)(i) text amended by 2009 asp 7 s. 1(8)(b)(i)
- s. 19(5)(d)-(g)(5A) added by 2009 asp 7 s. 1(8)(b)(iii)
- s. 19(5)(ba) inserted by 2009 asp 7 s. 1(8)(b)(ii)
- s. 19(6) text amended by 2009 asp 7 s. 1(8)(c)
- s. 26(1) text amended by 2009 asp 7 s. 13(a)(i)
- s. 26(1)(d) and word inserted by 2009 asp 7 s. 13(a)(ii)
- s. 26(1)(e) inserted by 2009 asp 7 s. 14
- s. 26(2)(g)(h) added by S.S.I. 2005/267 reg. 2
- s. 26(2)(i) and word inserted by 2009 asp 7 s. 16
- s. 26(2)(ea) inserted by 2009 asp 7 s. 15
- s. 26(2A) inserted by 2009 asp 7 s. 13(b)
- s. 29(3) text amended by 2009 asp 7 s. 5(a)

- s. 29(3A) inserted by [2009 asp 7 s. 5\(b\)](#)
- s. 29(5) applied by [S.S.I. 2005/501 reg. 2\(2\)](#)
- Sch. 1 para. 11(2)(u)(v) added by [2009 asp 7 s. 20\(b\)](#)
- Sch. 1 para. 11(2)(ka) inserted by [2009 asp 7 s. 20\(a\)](#)
- Sch. 1 para. 11A inserted by [2009 asp 7 s. 21](#)
- Sch. 1 para. 1 text amended by [2010 c. 15 Sch. 17 para. 12\(c\)](#)
- Sch. 2 para. 2(5) added by [2009 asp 7 s. 1\(9\)\(a\)](#)
- Sch. 2 para. 7(12) added by [2009 asp 7 s. 1\(9\)\(d\)\(iv\)](#)
- Sch. 2 para. 4(2A) inserted by [2009 asp 7 s. 1\(9\)\(b\)](#)
- Sch. 2 para. 7(1A) inserted by [2009 asp 7 s. 1\(9\)\(d\)\(ii\)](#)
- Sch. 2 para. 6(1) text amended by [2009 asp 7 s. 1\(9\)\(c\)\(i\)](#)
- Sch. 2 para. 6(4) text amended by [2009 asp 7 s. 1\(9\)\(c\)\(ii\)](#)
- Sch. 2 para. 7(1) text amended by [2009 asp 7 s. 1\(9\)\(d\)\(i\)](#)
- Sch. 2 para. 7(8) text amended by [2009 asp 7 s. 1\(9\)\(d\)\(iii\)](#)
- Sch. 2 para. 3(1)(e) text amended by [2010 c. 15 Sch. 26 Pt. 2 para. 106](#) (as inserted) by [S.I. 2010/2279 Sch. 1 para. 6](#)
- Sch. 3 para. 1 repealed by [S.S.I. 2011/215 Sch. 7](#)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A inserted by [2009 asp 7 s. 7](#)
- s. 14A inserted by [2009 asp 7 s. 10](#)
- s. 26A inserted by [2009 asp 7 s. 22](#)
- s. 27A inserted by [2009 asp 7 s. 23](#)
- specified provision(s) amendment to earlier commencing SSI 2003/602 by [S.S.I. 2004/45 art. 2](#)

**Commencement Orders yet to be applied to the Education (Additional Support for Learning) (Scotland) Act 2004:**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2005/154 art. 2](#) commences ([2004 asp 4](#))
- [S.S.I. 2005/263 art. 2 Sch.](#) commences ([2004 asp 4](#))
- [S.S.I. 2005/564 art. 2](#) commences ([2004 asp 4](#))

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/2317 art. 2 3](#) commences ([2010 c. 15](#))
- [S.S.I. 2010/129 art. 2](#) commences ([2009 asp 7](#))
- [S.S.I. 2010/277 art. 2](#) commences ([2009 asp 7](#))
- [S.S.I. 2010/368 art. 2](#) commences ([2009 asp 7](#))