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)

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
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...
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 sheriff 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 School etc. (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:
There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004.