



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

2004 asp 4

Exchange of information

13 Provision of information etc. on occurrence of certain events

- (1) Every education authority must—
- (a) no later than 6 months before the date on which any child or young person—
 - (i) having additional support needs, and
 - (ii) for whose school education the authority are responsible, is expected to cease receiving school education, or
 - (b) where the education authority become aware that the child or young person is to cease receiving school education less than 6 months before that date, as soon as reasonably practicable after they become so aware,
- comply with the duty in subsection (2).
- (2) That duty is a duty—
- (a) to provide such appropriate agency or agencies as the authority think fit (if any) with the information specified in subsection (3), and
 - (b) to—
 - (i) consider what (if any) provision the authority are, in the exercise of any of their functions other than their functions relating to education, likely to make for the child or young person on ceasing to receive school education, and
 - (ii) for that purpose, take into account any information specified in subsection (3).
- (3) The information referred to in subsection (2) is—
- (a) information as to the date on which the child or young person is expected to cease receiving school education, and
 - (b) such other information as the authority consider appropriate concerning the child or young person and the additional support needs of the child or young person.

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 13. (See end of Document for details)

(4) Every education authority must, when any such child or young person as is referred to in subsection (1) ceases to receive school education, inform such appropriate agency or agencies as the authority think fit of that fact as soon as reasonably practicable.

[^{F1}(4A) In relation to the provision of any information under subsection (2)(a) or (4) in the case of a child, the education authority must seek and take account of the views of the child (unless the authority are satisfied that the child lacks capacity [^{F2}in relation to such] a view).]

(5) Information is to be provided under subsection (2)(a) or (4) only with the consent of—
[^{F3}(za) in the case of a child who has attained the age of 12 years and who the authority is satisfied has capacity to give consent, the child,]
(a) in the case of [^{F4}any other] child, the child’s parent,
(b) in the case of a young person—
(i) the young person, or
(ii) where the education authority are satisfied that the young person lacks capacity to give consent, the young person’s parent.

(6) The Scottish Ministers may by regulations make provision for the taking by education authorities of specified action in connection with the occurrence or likely occurrence of specified changes in the school education of children and young persons—
(a) having additional support needs, and
(b) for whose school education the authorities are responsible.

(7) Regulations under subsection (6) may, in particular, make provision—
(a) for the disclosure by the authorities of specified information about such children or young persons—
(i) to specified persons or persons of specified descriptions,
(ii) subject to specified conditions,
(b) for such information to be disclosed, or any other action taken, by specified times.

(8) In subsections (6) and (7), “specified” means specified in regulations under subsection (6).

Textual Amendments

- F1** S. 13(4A) inserted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 17, 26(3)**; [S.S.I. 2010/277](#), **art. 2**
- F2** Words in s. 13(4A) substituted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 12(a)**; [S.S.I. 2017/354](#), **reg. 2(a)**
- F3** S. 13(5)(za) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 12(b)(i)**; [S.S.I. 2017/354](#), **reg. 2(a)**
- F4** Words in s. 13(5)(a) substituted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 12(b)(ii)**; [S.S.I. 2017/354](#), **reg. 2(a)**

Commencement Information

- I1** S. 13(1)-(5) (8) in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**
- I2** S. 13(6)(7) in force at 18.5.2005 for specified purposes by [S.S.I. 2005/263](#), **art. 2**, **Sch.**
- I3** S. 13(6)(7) in force at 14.11.2005 in so far as not already in force by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 13.