



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

2004 asp 4

## *Mediation and dispute resolution*

### **16 Dispute resolution**

- (1) The Scottish Ministers may by regulations make provision about the resolution of disputes between any education authority and—
- (a) the parent of any child belonging to the area of the authority,
  - (b) any young person belonging to that area, or
  - (c) in relation to any such young person who lacks capacity to express a view or make a decision for the purposes of resolving such disputes, the young person's parent,
- concerning the exercise by the authority of any of their functions under this Act in relation to the child or young person.
- (2) Regulations under subsection (1) may, in particular, make provision—
- (a) requiring education authorities to establish a procedure in accordance with the regulations for the resolution of such disputes,
  - (b) applying to all such disputes or only to such descriptions of such disputes as may be specified in the regulations.
- (3) However, such regulations, and any provision made in pursuance of such regulations—
- (a) must not require any parent or young person—
    - (i) to use any procedure established in accordance with the regulations for the resolution of any dispute with an education authority, or
    - (ii) to pay any fee or charge for using any such procedure, and
  - (b) do not affect the entitlement of any parent or young person to refer any matter to a Tribunal.