



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

2004 asp 4

Appeals

PROSPECTIVE

- 20** **[^{F1}References to First-tier Tribunal and powers of First-tier Tribunal: further provision]**
- (1) The Scottish Ministers may by order extend the categories of decision, failure or information in respect of which a reference to the [^{F2}First-tier Tribunal] under section 18(1) may be made; and without prejudice to the generality such further categories of decision, failure or information may include—
- (a) a decision of the education authority—
 - (i) that the child or young person has, or does not have, additional support needs,
 - (ii) that a child or young person has additional support needs of a type that the person making the referral considers are not an accurate reflection of the child or young person's additional support needs,
 - (iii) to refuse an assessment request as referred to in section 8,
 - (iv) as to the person, or to the means used, or to be used, to carry out the process of assessment or examination referred to in section 8,
 - (b) failure by—
 - (i) the education authority,
 - (ii) any person identified in any co-ordinated support plan prepared for the child or young person as a person by whom additional support should be provided, or
 - (iii) a combination of these persons,to provide the additional support required by the child or young person.
- (2) Any order made under subsection (1) may also include provision to allow the [^{F3}Chamber President] to reject references to the [^{F4}First-tier Tribunal] arising from any further category of decision, failure or information referred to in the order without

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 20. (See end of Document for details)

a hearing where the [^{F3}Chamber President] is satisfied that the reference prima facie raises no substantial issue.

- (3) Orders made under subsection (1) may also make such consequential provision as the Scottish Ministers consider necessary or expedient, including provision as to the [^{F5}First-tier Tribunal's] powers in relation to any new category of decision, failure or information that may be referred to it.

Textual Amendments

- F1** S. 20 title substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(10)(d)**
- F2** Words in s. 20(1) substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(10)(a)**
- F3** Words in s. 20(2) substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(10)(b)(ii)**
- F4** Words in s. 20(2) substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(10)(b)(i)**
- F5** Words in s. 20(3) substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(10)(c)**

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