



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

## 2004 asp 4

### *Miscellaneous*

#### **27 Code of practice and directions**

- (1) The Scottish Ministers must publish, and may from time to time revise and re-publish, a code of practice providing guidance as to the exercise by education authorities and appropriate agencies of the functions conferred on them by virtue of this Act.
- (2) Such a code of practice may, in particular, include provision as to—
  - (a) the particular circumstances or factors which may give rise to additional support needs,
  - (b) the identification of complex and multiple factors for the purposes of section 2,
  - (c) the nature of the additional support referred to in section 2(1)(d),
  - (d) the nature of the additional support to be provided in pursuance of a co-ordinated support plan,
  - [<sup>F1</sup>(da) the carrying out of assessments under paragraph (a) of subsection (3) of section 3A,
  - (db) the consideration of whether something would adversely affect the wellbeing of a child as mentioned in paragraph (b) of that subsection,
  - (dc) the assessment of whether there has been a significant change in the circumstances of a child as mentioned in section 8(2A)(a),]
  - (e) the arrangements to be made in pursuance of sections 4(1)(b) and 6(1),
  - (f) the seeking of information, advice and views under section 12,
  - (g) the arrangements to be made under section 15(1),
  - (h) the carrying out of the duties under paragraph 2(1) and (2) of schedule 2,
  - (i) the particular circumstances when those duties do not apply.
- (3) Before publishing a code of practice under subsection (1), the Scottish Ministers must consult—
  - (a) each education authority and appropriate agency, and
  - (b) such other persons as they think fit.

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**Changes to legislation:** There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 27. (See end of Document for details)

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- (4) The Scottish Ministers must lay before the Scottish Parliament a draft of any code of practice they propose to publish under subsection (1).
- (5) The Scottish Ministers must not publish the code until after the expiry of the period of 40 days beginning with the day on which the draft was laid before the Parliament.
- (6) The Scottish Ministers must, in the published code of practice, take account of any comments on the draft expressed by the Parliament within that period.
- (7) In calculating any period of 40 days for the purposes of subsections (5) and (6), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (8) Education authorities and appropriate agencies must, in exercising their functions under this Act, have regard to a code of practice published under this section.
- (9) The Scottish Ministers may give to education authorities directions (whether general or specific) as to the exercise of their functions under this Act.
- (10) Such directions may be given to all education authorities, to a particular authority or to authorities of a particular description.
- (11) Education authorities must comply with any directions given to them under this section.
- (12) References in this Act to a code of practice published under this section include any revised code of practice re-published under this section.

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#### **Textual Amendments**

- F1** S. 27(2)(da)-(dc) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), **sch. para. 19**; [S.S.I. 2017/354](#), reg. 2(a)
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#### **Commencement Information**

- II** S. 27 in force at 18.5.2005 by [S.S.I. 2005/263](#), art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 27.