



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 12

CHILDREN'S HEARINGS: GENERAL

Referral where failure to provide education for excluded pupil

127 Referral where failure to provide education for excluded pupil

- (1) This section applies where it appears to a children's hearing that—
 - (a) an education authority has a duty under section 14(3) of the Education (Scotland) Act 1980 (c.44) (education authority's duty to provide education for child excluded from school) in relation to the child to whom the children's hearing relates, and
 - (b) the authority is failing to comply with the duty.
- (2) The children's hearing may require the National Convener to refer the matter to the Scottish Ministers.
- (3) If a requirement is made under subsection (2), the National Convener must—
 - (a) make a referral to the Scottish Ministers, and
 - (b) give a copy of it to the education authority to which it relates and the Principal Reporter.

Commencement Information

II S. 127 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Section 127 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)