



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

2004 asp 4

Mediation and dispute resolution

15 Mediation services

- (1) Every education authority must make such arrangements as they consider appropriate for the provision of independent mediation services for the purposes of seeking to avoid or resolve disagreements between the authority and—
 - (a) parents of children belonging to the area of the authority,
 - (b) young persons belonging to that area, or
 - (c) in relation to any such young persons who lack capacity to express a view or make a decision for those purposes, their parents,concerning the exercise by the authority of their functions under this Act in relation to such children or young persons.
- (2) Mediation services are independent for the purposes of subsection (1) if the person providing the services has no involvement in the exercise by or on behalf of the authority of their functions under this Act (apart from this section).
- (3) Arrangements made in pursuance of subsection (1)—
 - (a) must not require any parent or young person—
 - (i) to refer any disagreement with the authority to the mediation services provided in accordance with the arrangements, or
 - (ii) to pay any fee or charge for the provision of the mediation services, and
 - (b) do not affect the entitlement of any parent or young person to refer any matter to a Tribunal.
- (4) In this section and section 16, references to the exercise by an education authority of any function include references to a failure to exercise the function.

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.