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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 425**

**EDUCATION**

**The Gaelic Medium Education (Assessment Requests) (Scotland) Regulations 2016**

*Made - - - - 14th December 2016*  
*Laid before the Scottish*  
*Parliament - - - - 16th December 2016*  
*Coming into force - - 1st February 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 7(5) and (6) of the Education (Scotland) Act 2016<sup>(1)</sup>, and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Gaelic Medium Education (Assessment Requests) (Scotland) Regulations 2016 and come into force on 1st February 2017.

(2) In these Regulations—

“the 2016 Act” means the Education (Scotland) Act 2016;

“GMPE” means Gaelic medium primary education within the meaning of section 18(2) of the 2016 Act;

“parent” has the meaning given by section 135(1) of the Education (Scotland) Act 1980<sup>(2)</sup>;

“specified child” is to be construed in accordance with section 7(2) of the 2016 Act; and

“year group” is to be construed in accordance with section 7(4) of the 2016 Act.

**Form and content of request to assess the need for GMPE**

2.—(1) A request under section 7(1) of the 2016 Act must—

(a) be in the form set out in the schedule of these Regulations or in a form adapted for electronic use which is to the same effect;

(b) contain or be accompanied by the information required by that form; and

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(1) 2016 asp 8.

(2) 1980 c.44. The definition of ‘parent’ was amended by paragraph 28(5)(a) of schedule 4 of the Children (Scotland) Act 1995 (c.36).

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- (c) be authenticated as required by that form by the parent who is making the request.
- (2) A request under section 7(1) of the 2016 Act may also contain or be accompanied by the information specified in Annex 2 of that form.

**Manner of request to assess the need for GMPE**

- 3. A request under section 7(1) of the 2016 Act must be—
  - (a) made in writing; and
  - (b) submitted to the education authority in whose area the specified child is resident.


St Andrew's House,  
Edinburgh  
14th December 2016

*JOHN SWINNEY*  
A member of the Scottish Government

SCHEDULE

Regulation 2(1)(a)

GMPE ASSESSMENT REQUEST FORM

<b>Gaelic Medium Primary Education Assessment Request Form</b>	 <b>Scottish Government Riaghaltas na h-Alba gov.scot</b>
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This is the form that a parent must use when requesting an assessment of the need for Gaelic medium primary education ("GMPE") in the education authority area where their child is resident.

Key terms like 'parent'<sup>1</sup> and 'child'<sup>2</sup> are explained in the 'Notes about the form' section at the end of the form.

**HOW TO COMPLETE AND SUBMIT THIS FORM**

If you are a parent who wants to make such a request then you **must** complete this form, including Annex 1. You **may** also complete Annex 2.

If completing by hand, please use black ink and write in BLOCK CAPITALS except when signing.

When completed, please send to the education authority that you name below.

**ABOUT YOU**

Full name:

Address:

Post code:

Telephone number:

Email address:

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GMPE ASSESSMENT REQUEST FORM

**ABOUT YOUR CHILD**

Full name of the specified child:

Date of birth of the specified child:

Address of the specified child (if different to your address):

Post code of the specified child (if different to your post code):

**DECLARATIONS**

- I am a parent of the specified child.
- Under section 7(1) of the Education (Scotland) Act 2016, I request an assessment of the need for GMPE in respect of the GMPE assessment area that the below education authority must designate when it receives this request<sup>3</sup>.
- The specified child is resident in the area of the following education authority:

- To the best of my knowledge the information which I have provided is correct.
- The parents listed in the annexes to this form have agreed to being listed.
- I attach documents to evidence the specified child's date of birth and place of residence. The documents I have attached are copies of (tick those that apply):

birth certificate of the specified child

passport of the specified child

utility bill for the address at which the specified child is resident

council tax bill for the address at which the specified child is resident

other, please specify:

Signed:

Date:

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GMPE ASSESSMENT REQUEST FORM

**ANNEX 1:  
EVIDENCE OF DEMAND IN YOUR CHILD'S YEAR GROUP**

You **must** provide the following details to show demand for GMPE from a parent of at least one other child under school age who is in the same year group and resident in the same education authority area as the specified child and who has agreed to being listed as someone with a demand for GMPE.

**Please complete these details for each additional child.** You can print this page multiple times if providing information about more than one additional child and should refer to Note 4 to see what the minimum number of additional children is that will trigger the education authority's duty.<sup>4</sup>

Full name of parent:

Address of parent:

Post code of parent:

Telephone number of parent:

Email address of parent:

Full name of child:

Date of birth of child:

Address of child (if different to parent):

Post code of child (if different to parent):

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GMPE ASSESSMENT REQUEST FORM

**ANNEX 2:  
EVIDENCE OF DEMAND IN DIFFERENT YEAR GROUPS**

You **may** provide the following information and it may strengthen your request if you do so because the education authority would have to consider such evidence in both the initial assessment and any full assessment of the need for GMPE.

The information that you **may** provide here is to show demand for GMPE from parents of other children under school age who are resident in the same education authority area as the specified child, but in a different year group to that child. These parents must have agreed to being listed as someone with a demand for GMPE.

**Please complete these details for each additional child.** You can print this page multiple times if providing information about more than one additional child.

Full name of parent:

Address of parent:

Post code of parent:

Telephone number of parent:

Email address of parent:

Full name of child:

Date of birth of child:

Address of child (if different to parent):

Post code of child (if different to parent):

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## GMPE ASSESSMENT REQUEST FORM

### NOTES ABOUT THE FORM

#### 1. Meaning of 'parent'

The Education (Scotland) Act 2016 ("the 2016 Act") relies on the definition of "parent" in the Education (Scotland) Act 1980 which includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of, a child or young person.

In the form and its annexes, each time you are asked to provide the details of a parent (including your own details), the details of only one parent of each child should be provided because the key information for the education authority is the number of children in relation to whom there is demand, not the number of parents.

#### 2. Meaning of 'child'

Your request must relate to only one child who is the "specified child" that you list in the 'About Your Child' section of the form. If you have more than one child under school age then you can list your other children as additional children in Annex 1 if they are in the same year group as the specified child or Annex 2 if they are in a different year group.

Note that "year group" is defined in section 7(4) of the 2016 Act to mean the group of children under school age all of whom, on commencing primary education at a primary school in the area of the authority, will be in the same yearly stage of primary education.

#### 3. GMPE assessment area

Section 8(2) of the 2016 Act imposes a duty on an education authority to designate the specific area within its entire education authority area in relation to which it will assess the need for GMPE. In designating that assessment area, the education authority is under a duty to, among other things, seek to accommodate the demand shown in the request so far as it is reasonable to do so.

You do not need to do anything other than make sure that you submit your request to the education authority in whose area the specified child is resident and show evidence of demand in Annex 1 from a parent of at least one other child in the same year group who is resident in the same education authority area.

#### 4. Minimum number of children in the same year group to trigger duty

The minimum number of children that will trigger the duty on the education authority to either take steps to secure the provision of GMPE or carry out a full assessment of the need for GMPE, will be stated in section 9(6) of the 2016 Act or set out in regulations made under section 9(7) of the 2016 Act.

On 1 February 2017, that number is 5 children in the same year group which means that you need to evidence demand from the parents of at least 4 other children in the same year group as your child if you want to make sure that the education authority either takes steps to secure the provision of GMPE or at least carries out a full assessment of the need for GMPE.

However, if there is evidence of demand from the parents of fewer than 5 children in the same year group, the education authority may still exercise its discretion to take action so you may still wish to submit a request.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 7(1) of the Education (Scotland) Act 2016 (“the 2016 Act”) provides that a parent of a child under school age may request the education authority in whose area the child is resident to assess the need for Gaelic medium primary education (“GMPE”). Such a request will trigger the assessment process in sections 8 to 13 of the 2016 Act.

Section 7(2) of the 2016 Act requires that such a request must relate to only one child (“the specified child”) and contain evidence of demand for GMPE from parents of other children under school age in the same year group and resident in the same education authority area as the specified child.

Section 7(3) of the 2016 Act provides that such a request may also contain evidence that there is demand for GMPE from parents of other children under school age resident in the same education authority area as the specified child but in a different year group.

Section 7(4) of the 2016 Act defines “year group” to mean the group of children under school age all of whom, on commencing primary education at a primary school in that education authority area, will be in the same yearly stage of primary education. This definition is relied on in these Regulations.

Section 7(5) of the 2016 Act enables the Scottish Ministers to make, by regulations, further provision about requests under section 7(1). Section 7(6) specifies that such regulations may, in particular, include provision for or in connection with the form of the request and the manner in which it is made as well as any information that must or may accompany the request.

As such, regulation 2 and the schedule of these Regulations prescribe the form that a request to assess the need for GMPE must follow (including the information which it must and may contain) and regulation 3 prescribes the manner in which the request must be made. Regulation 2 allows the form to be adapted for electronic use so long as it is to the same effect as the form set out in the schedule of these Regulations.