



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

2004 asp 4

## EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

### *Main definitions*

- 1 Additional support needs
- 2 Co-ordinated support plans
- 3 Children and young persons: capacity
- 3A Children: assessment of capacity, etc.
- 3B Assessment of wellbeing
- 3C Rights of parents of children aged 12 or over

### *General powers and duties*

- 4 Duties of education authority in relation to children and young persons for whom they are responsible
- 5 General functions of education authority in relation to additional support needs

### *Establishment of additional support needs and need for co-ordinated support plan*

- 6 Children and young persons for whom education authority are responsible
- 7 Other children and young persons
- 8 Assessments and examinations
- 8A Assessments and examinations: further provision

### *Co-ordinated support plans*

- 9 Duty to prepare co-ordinated support plans
- 10 Reviews of co-ordinated support plans
- 11 Co-ordinated support plans: further provision

*Status: Point in time view as at 12/01/2018.*

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*Exchange of information*

- 12 Duties to seek and take account of views, advice and information
- 13 Provision of information etc. on occurrence of certain events

*Supporters and advocacy*

- 14 Supporters and advocacy
- 14A Provision of advocacy service: First-tier Tribunal

*Mediation and dispute resolution*

- 15 Mediation services
- 16 Dispute resolution

*Appeals*

- 17 Additional Support Needs Tribunals for Scotland
- 18 References to the First-tier Tribunal
- 19 Powers of First-tier Tribunal in relation to reference
- 20 References to First-tier Tribunal and powers of First-tier Tribunal: further provision
- 21 Appeal to Court of Session against Tribunal decision

*Placing requests*

- 22 Placing requests

*Miscellaneous*

- 23 Other agencies etc. to help in exercise of functions under this Act
- 24 Power to prescribe standards etc. for special schools
- 25 Attendance at establishments outwith the United Kingdom
- 26 Publication of information by education authority
- 26A Availability of information on additional support needs
- 27 Code of practice and directions
- 27A Collection of data on additional support needs

*General*

- 28 Requests under this Act: further provision
- 29 Interpretation
- 30 Transitional provision: recorded children and young persons
- 31 Duty to inform in writing or alternative permanent form
- 31A Provision of support service
- 32 Ancillary provision
- 33 Modification of enactments
- 34 Orders, regulations and rules
- 35 Commencement and short title

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SCHEDULE 1 — Additional Support Needs Tribunals for Scotland

*Interpretation*

- 1 In this schedule— “panel” means a panel referred to in...

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*The President*

2 (1) The Scottish Ministers must not appoint an individual under...

*The panels*

3 (1) The Scottish Ministers must appoint— (a) a panel of...

*Constitution of Tribunals*

4 (1) The President must from time to time constitute such...

*Terms of Office*

5 (1) Each Tribunal member— (a) holds office for such period...

*Removal from office*

6 The Scottish Ministers may remove a Tribunal member from office...

*Allowances for Tribunal members*

7 The Scottish Ministers may pay to a Tribunal member such...

*Administration of Tribunal functions*

8 (1) The Tribunals constituted under paragraph 4(1) are to sit...

*Staff, property and services*

9 (1) The Scottish Ministers are to provide the President and...

*Finance*

10 The Scottish Ministers are to pay any expenses reasonably incurred...

*Rules of procedure*

11 (1) The Scottish Ministers must make rules as to the...  
11A *Power to monitor implementation of Tribunal decisions*

*Practice directions*

12 The President may give directions as to the practice and...

*Evidence*

13 (1) A Tribunal may by citation require any person—

*Decisions of a Tribunal*

14 (1) A decision of a Tribunal— (a) may be reached...

*Annual report*

15 (1) The President must, in respect of each reporting year,...

*Disclosure of information*

16 The President must, at such times and in respect of...

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*Allowances etc. for attendance at hearings and preparation of reports*

17 A Tribunal may pay to any person (other than the...

SCHEDULE 2 — Children and young persons with additional support needs:  
placing requests

*Introductory*

1 Sections 28A, 28C, 28E, 28F and 28G of the 1980...

*Duty to comply with placing requests*

2 (1) Where the parent of a child having additional support...

*Circumstances in which duty does not apply*

3 (1) The duty imposed by sub-paragraph (1) or, as the...

*Placing requests: further provision*

4 (1) An education authority must inform a parent in writing...

*Reference to appeal committee of refusal of placing request*

5 (1) A parent who has made a placing request may...

*References to appeal committees: supplementary provisions*

6 (1) An appeal committee may, on a reference made to...

*Appeal to sherrif from appeal committee*

7 (1) A parent who has made a reference to an...

*Young persons having additional support needs*

8 (1) Paragraphs 2 to 7 apply to a young person...

SCHEDULE 3 — Modification of enactments

*Teaching Council (Scotland) Act 1965 (c.19)*

1 In the Teaching Council (Scotland) Act 1965, in Part I...

*National Health Service (Scotland) Act 1978 (c.29)*

2 In the National Health Service (Scotland) Act 1978, in section...

*Education (Scotland) Act 1980 (c.44)*

3 (1) The Education (Scotland) Act 1980 is amended as follows....

*Education (Scotland) Act 1981 (c.58)*

4 In the Education (Scotland) Act 1981, the following provisions are...

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*Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 5 In the Disabled Persons (Services, Consultation and Representation) Act 1986,...

*Self-Governing Schoolsetc. (Scotland) Act 1989 (c.39)*

- 6 In the Self-Governing Schools etc. (Scotland) 1989, the following provisions...

*Further and Higher Education(Scotland) Act 1992 (c.37)*

- 7 In the Further and Higher Education (Scotland) Act 1992, the...

*Tribunals and Inquiries Act 1992 (c.53)*

- 8 In Part II of Schedule 1 to the Tribunals and...

*Children (Scotland) Act 1995 (c.36)*

- 9 In the Children (Scotland) Act 1995, in Schedule 4 (minor...

*Education (Scotland) Act 1996 (c.43)*

- 10 In the Education (Scotland) Act 1996— (a) in section 4...

*Standards in Scotland's Schools etc. Act 2000 (asp 6)*

- 11 In the Standards in Scotland's Schools etc. Act 2000, sections...

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