



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

2004 asp 4

Appeals

20 References to Tribunal and powers of Tribunal: further provision

- (1) The Scottish Ministers may by order extend the categories of decision, failure or information in respect of which a reference to the Tribunal under section 18(1) may be made; and without prejudice to the generality such further categories of decision, failure or information may include—
- (a) a decision of the education authority—
 - (i) that the child or young person has, or does not have, additional support needs,
 - (ii) that a child or young person has additional support needs of a type that the person making the referral considers are not an accurate reflection of the child or young person's additional support needs,
 - (iii) to refuse an assessment request as referred to in section 8,
 - (iv) as to the person, or to the means used, or to be used, to carry out the process of assessment or examination referred to in section 8,
 - (b) failure by—
 - (i) the education authority,
 - (ii) any person identified in any co-ordinated support plan prepared for the child or young person as a person by whom additional support should be provided, or
 - (iii) a combination of these persons,to provide the additional support required by the child or young person.
- (2) Any order made under subsection (1) may also include provision to allow the President to reject references to the Tribunal arising from any further category of decision, failure or information referred to in the order without a hearing where the President is satisfied that the reference *prima facie* raises no substantial issue.
- (3) Orders made under subsection (1) may also make such consequential provision as the Scottish Ministers consider necessary or expedient, including provision as to the

Status: This is the original version (as it was originally enacted).

Tribunal's powers in relation to any new category of decision, failure or information that may be referred to it.