



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

2004 asp 4

Miscellaneous

26 Publication of information by education authority

- (1) Every education authority must—
- (a) publish information with respect to the matters specified in subsection (2),
 - (b) keep that information under review,^{F1}...
 - (c) where necessary or appropriate, revise the information and publish that revised information [^{F2}, and
 - (d) provide the persons mentioned in subsection (2A) with any information published under paragraph (a) or (c).]
- [^{F3}(e) ensure that a summary of the information published by the authority under this subsection is available—
- (i) on request, from each place in the authority's area where school education is provided,
 - (ii) in any handbook or other publications provided by any school in the authority's area or by the authority for the purposes of providing general information about the school or, as the case may be, the services provided by the authority, and
 - (iii) on any website maintained by any such school or the authority for that purpose (whether or not the website is also maintained for any other reason).]
- (2) The information referred to in subsection (1)(a) is information as to—
- (a) the authority's policy in relation to provision for additional support needs,
 - (b) the arrangements made by the authority in pursuance of sections 4(1)(b) and 6(1),
 - (c) the other opportunities available under this Act for the identification of children and young persons who—
 - (i) have additional support needs,
 - (ii) require, or would require, a co-ordinated support plan,

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- (d) the role of parents, children and young persons in the arrangements referred to in paragraph (b),
 - (e) the mediation services provided in pursuance of section 15(1), and
 - [^{F4}(ea) any dispute resolution procedures established by the authority in pursuance of section 16,]
 - (f) the officer or officers of the authority from whom—
 - (i) parents of children having additional support needs, ^{F5}...
 - [^{F6}(ia) children having additional support needs and who have attained the age of 12 years, and]
 - (ii) young persons having such needs,
 can obtain advice and further information about provision for such needs.
 - [^{F7}(g) any Health Board for the area or any part of the area of the authority from which the persons referred to in subsection (2)(f)(i) and (ii) can obtain advice, further information and support in relation to the provision for their additional support needs; and
 - (h) any other persons which the authority think appropriate from which the persons referred to in subsection (2)(f)(i) and (ii) can obtain advice, further information and support in relation to the provision for such needs, including such support and advocacy as is referred to in section 14][^{F8}, and
 - (i) any other persons specified by the Scottish Ministers by order as persons from which the persons referred to in subsection (2)(f)(i) and (ii) can obtain advice, further information and support in relation to the provision for such needs, including such support and advocacy as is referred to in section 14]
- [^{F9}(2A) The persons referred to in subsection (1)(d) are—
- (a) in the case of a child with additional support needs for whose school education the authority are responsible, the child's parent,
 - [^{F10}(aa) in the case of such a child who has attained the age of 12 years, the child,]
 - (b) in the case of a young person with additional support needs for whose school education the authority are responsible—
 - (i) the young person, or
 - (ii) if the authority are satisfied that the young person lacks capacity to understand the information published under this subsection by the authority, the young person's parent.]
- (3) The Scottish Ministers may by regulations make further provision as to the publication of information under subsection (1) including, in particular, provision—
- (a) amending subsection (2) so as to add further matters,
 - (b) as to—
 - (i) the time or times by which, and
 - (ii) the form and manner in which,
 the information is to be published.

Textual Amendments

F1 Word in s. 26(1) omitted (14.11.2010) by virtue of [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\), ss. 13\(a\)\(i\), 26\(3\); S.S.I. 2010/277, art. 2](#)

F2 S. 26(1)(d) and preceding word inserted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\), ss. 13\(a\)\(ii\), 26\(3\); S.S.I. 2010/277, art. 2](#)

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- F3** S. 26(1)(e) inserted (14.11.2010) by virtue of Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 14, 26(3)**; S.S.I. 2010/277, art. 2
- F4** S. 26(2)(ea) inserted (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 15, 26(3)**; S.S.I. 2010/277, art. 2
- F5** Word in s. 26(2)(f) repealed (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 18(a)(i)**; S.S.I. 2017/354, reg. 2(a)
- F6** S. 26(2)(f)(ia) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 18(a)(ii)**; S.S.I. 2017/354, reg. 2(a)
- F7** S. 26(2)(g)(h) added (14.11.2005) by Additional Support for Learning (Publication of Information) (Scotland) Regulations 2005 (S.S.I. 2005/267), regs. 1(1), 2
- F8** S. 26(2)(i) and preceding word inserted (2.4.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 16, 26(3)**; S.S.I. 2010/129, art. 2(c)
- F9** S. 26(2A) inserted (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 13(b), 26(3)**; S.S.I. 2010/277, art. 2
- F10** S. 26(2A)(aa) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 18(b)**; S.S.I. 2017/354, reg. 2(a)

Commencement Information

- I1** S. 26(1)(2) in force at 14.11.2005 by S.S.I. 2005/564, **art. 2**
- I2** S. 26(3) in force at 18.5.2005 for specified purposes by S.S.I. 2005/263, art. 2, **Sch.**
- I3** S. 26(3) in force at 14.11.2005 in so far as not already in force by S.S.I. 2005/564, **art. 2**

Status:

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Changes to legislation:

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