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

2004 asp 4

General

[F1 31A Provision of support service

(1) The Scottish Ministers must secure the provision of a support service to be available, on request and free of charge, to children who have attained the age of 12 years and—

(a) who wish to exercise, or are considering exercising, relevant rights, or

(b) whose parents wish to exercise, or are considering exercising, relevant rights.

(2) In this section, "a support service" means a service under which—

(a) advice (including legal advice), assistance and information in relation to relevant rights are provided to children mentioned in subsection (1),

(b) a person is provided to be present at any discussions with an education authority in relation to the relevant rights of such a child for the purpose of supporting the child (where the child wishes such a person to be present),

(c) a person is provided to conduct such discussions (or any part of them), or make representations to an education authority, on behalf of such a child (where the child wishes such a person to be provided), and

(d) an advocacy service (within the meaning of subsection (3) of section 14A) is provided to such children (the reference in that subsection to persons mentioned in subsection (2) being read as if such children were mentioned in that subsection).

(3) Subsection (4) applies where—

(a) a child, or parent, as mentioned in subsection (1) wishes to exercise, or is considering exercising, relevant rights, or

(b) some other thing is done, or proposed to be done, under this Act by or in relation to such a child.

(4) Any person providing a support service under this section may seek the views of the child as respects—

(a) the exercise of the relevant rights, or

(b) the doing, or proposed doing, of the thing.

(5) In this section, "relevant rights"—

(a) in relation to a child who has attained the age of 12 years, means any rights conferred by or under this Act on such children, and includes the right—

(i) to receive any document or information, and

(ii) to give consent in relation to any matter, and

(b) in relation to the parents of such a child, means any rights conferred on the parents by or under this Act.**]**

Textual Amendments

F1 S. 31A inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 23**; S.S.I. 2017/354, reg. 2(a)

Changes to legislation:
There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 31A.