



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

2004 asp 4

Main definitions

[^{F1}3B Assessment of wellbeing

- (1) Subsection (2) applies where, by virtue of this Act, an education authority or [^{F2}the First-tier Tribunal] is required to consider whether the wellbeing of a child who has attained the age of 12 years would, or would not, be adversely affected.
- (2) The authority or, as the case may be, [^{F3}the First-tier Tribunal] is to consider the matter by reference to the extent to which the child is or would be—
 - safe,
 - healthy,
 - achieving,
 - nurtured,
 - active,
 - respected,
 - responsible, and
 - included.
- (3) The Scottish Ministers may by regulations modify the list in subsection (2) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (4) Before making any regulations under subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.]

Textual Amendments

- F1** Ss. 3A-3C inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), [sch. para. 3](#); S.S.I. 2017/354, [reg. 2\(a\)](#)
- F2** Words in [s. 3B\(1\)](#) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), [reg. 1\(1\)](#), [sch. 2 para. 3\(2\)\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 3B. (See end of Document for details)

- F3** Words in s. 3B(2) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), reg. 1(1), **sch. 2 para. 3(2)(b)**

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There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 3B.