

# **CHILDREN'S HEARINGS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 12 – Children's Hearings: General**

#### **Referral where failure to provide education for excluded pupil**

##### ***Section 127 – Referral where failure to provide education for excluded pupil***

187. This section applies where it appears to a Children's Hearing that an education authority is failing to comply with its duty under section 14(3) of the Education (Scotland) Act 1980 (duty to provide education for child excluded from school). Subsection (2) provides that the hearing may require the National Convener to refer the matter to the Scottish Ministers. Subsection (3) provides that if the National Convener is required to refer the matter to the Scottish Ministers the National Convener must give a copy of the referral to the education authority concerned and the Principal Reporter. The Education (Scotland) Act 1980 provides powers to the Scottish Ministers to ensure the duty is complied with. A referral under this section must be in writing and may be sent in electronic form.