

EDUCATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Gaelic Medium Education

Assessments: primary education

Section 11: Requests that need not be considered

43. Subsection (2) states that an education authority need not comply with the duty in section 9(2) to undertake an initial assessment in relation to a parental request under section 7(1) (a “further request”) where the conditions in subsection (1) apply. These are that a parental request under section 7(1) (the “original request”) was made within the preceding 2 years in relation to the same GMPE assessment area and an initial assessment was carried out in relation to that request. This exemption from the duty in section 9(2) applies whatever the outcome of the earlier initial assessment.
44. Subsection (3) clarifies that the exception in subsection (2) applies irrespective of whether the further request is made by the same person who made the original request or by another person, or is made by a parent of a child in the same or a different year group from the child whose parent made the original request, or whether or not GMPE is in fact being provided in that GMPE assessment area.
45. However, subsection (4) gives the Scottish Ministers the power to direct that an education authority must comply with its duty under section 9(2) to undertake an initial assessment, even if the conditions in subsection (1) are met, where the Scottish Ministers consider this appropriate.