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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Young People's Involvement in Education and Training (Provision of Information) (Scotland) Order 2014**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Young People's Involvement in Education and Training (Provision of Information) (Scotland) Order 2014 and comes into force on 1st May 2014.

(2) In this Order—

“the 1980 Act” means the Education (Scotland) Act 1980(1);

“the 2004 Act” means the Education (Additional Support for Learning) (Scotland) Act 2004(2);

“college of further education” means a college which is a post-16 education body—

- (a) by which fundable further education or fundable higher education is provided; and
- (b) which is not a higher education institution;

“fundable further education” and “fundable higher education” have the meanings given in section 5 of the 2005 Act;

“higher education institution” means an institution which is a post-16 education body and which is—

- (a) a university; or
- (b) a designated institution within the meaning of section 44(2) of the 1992 Act;

“post-16 education body” has the meaning given in section 35(1) of the 2005 Act(3); and

“Skills Development Scotland” means The Skills Development Scotland Co. Limited.

(3) In this Order, any reference to information in relation to a young person's support needs includes—

(a) information relating to whether a young person has or had—

- (i) any additional support needs as construed in accordance with section 1(1) of the 2004 Act;
- (ii) any co-ordinated support plan within the meaning of section 2 of the 2004 Act; and
- (iii) any other plan or arrangement made by or agreed with a school or education authority to support a young person;

(b) information relating to whether a young person is being or has been looked after within the meaning of section 17(6) of the Children (Scotland) Act 1995(4); and

(c) information relating to whether a young person is a carer providing care and support to a family member on a regular basis.

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(1) 1980 c.44.

(2) 2004 asp 4.

(3) Section 35(1) was amended by paragraph 8(23)(a) of the schedule to the Post-16 Education (Scotland) Act 2013.

(4) 1995 c.36; section 17(6) was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 9(4) (b); the Children's Hearings (Scotland) Act 2011 (asp 1), schedule 5, paragraph 2(4); and S.S.I. 2013/211.

- (4) In this Order, any reference to the governing body of a post-16 education body means—
- (a) in the case of a post-16 education body conducted by a body corporate, that body corporate;
  - (b) in the case of a post-16 education body not falling within sub-paragraph (a), the executive body which has responsibility for the management and administration of the revenue and property of the post-16 education body and the conduct of its affairs; or
  - (c) in any other case, any board of governors of the post-16 education body or any person responsible for the management of the post-16 education body, whether or not formally constituted as a governing body or board of governors.
- (5) In this Order the following expressions have the meanings given in section 135(1) of the 1980 Act<sup>(5)</sup>—
- “education authority”;
  - “school”; and
  - “school education”.
- (6) In this Order, references to a young person for whose school education an education authority is responsible is to a young person who is being, is about to be or has been provided with school education—
- (a) in a school under the management of an education authority; or
  - (b) in pursuance of arrangements made or entered into by the education authority.
- (7) For the purposes of this Order where arrangements are made or entered into by an education authority in respect of the school education of a young person with another education authority, the authority responsible for that school education is the authority for the area to which the young person belongs despite the education being, or about to be, provided in a school under the management of another authority.
- (8) In this Order, references to young person belonging to an area are to be construed in accordance with section 23(3) of the 1980 Act<sup>(6)</sup>.

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<sup>(5)</sup> Section 135(1) has been relevantly amended by the Registered Establishments (Scotland) Act 1987 (c.4), section 2(2); the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9); and the Standards in Scotland's Schools etc. Act 2000 (asp 6), schedule 3.

<sup>(6)</sup> Section 23(3) was amended by the Education (Scotland) Act 1981 (c.58), Schedule 7, paragraph 6 and the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), schedule 3, paragraph 3(4)(e).