

# Education (Additional Support for Learning) (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 10

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 5A

#### Margaret Smith

- 15** In section 5A, page 6, line 16, leave out <1(3)(a) of the 2004 Act (additional support needs)> and insert <1(3) of the 2004 Act (additional support needs)—  
( ) in paragraph (a),>

#### Margaret Smith

- 16** In section 5A, page 6, line 17, at end insert—  
<( ) in paragraph (b), for “educational provision” substitute “provision (whether or not educational provision)”.>

### Section 5C

#### Mr Adam Ingram

- 1** In section 5C, page 7, line 5, leave out <and accommodated by a local authority under section 26> and insert <by a local authority (within the meaning of section 17(6))>

#### Mr Adam Ingram

- 2** In section 5C, page 7, leave out lines 7 to 14

#### Mr Adam Ingram

- 3** In section 5C, page 7, line 14, at end insert—  
<(1B) But where a child or young person is, or is likely to be, able without the provision of additional support to benefit from school education provided to or to be provided for the child or young person, subsection (1A) does not apply.”.>

5

**Margaret Smith**

- 3A** As an amendment to amendment 3, line 2, leave out <a> and insert <, in the course of identifying (in accordance with the arrangements made by them under section 6(1)(b)) the particular additional support needs of a child or young person who is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)), an education authority form the view that the>

**Margaret Smith**

- 3B** As an amendment to amendment 3, line 4, leave out <does not> and insert <ceases to>

**Margaret Smith**

- 17** In section 5C, page 7, line 20, at end insert—  
<(1B) For the avoidance of doubt, the reference in subsection (1)(b) to the children and young persons so identified includes reference to children and young persons having additional support needs by virtue of section 1(1A).>

**After section 5D**

**Claire Baker**

- 18** After section 5D, insert—

*<Advocacy services*

**Provision of advocacy service: Tribunal**

After section 14 of the 2004 Act (supporters and advocacy), insert—

**“14A Provision of advocacy service: Tribunal**

- (1) The Scottish Ministers must, in respect of Tribunal proceedings, secure the provision of an advocacy service to be available on request and free of charge to the persons mentioned in subsection (2).
- (2) The persons are—
  - (a) in the case of a child, the child’s parent,
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) where the young person lacks capacity to participate in discussions or make representations of the type referred to in subsection (3), the young person’s parent.
- (3) In subsection (1) “advocacy service” means a service whereby another person conducts discussions with or makes representations to the Tribunal or any other person involved in the proceedings on behalf of a person mentioned in subsection (2).>

**Karen Whitefield**

- 19** After section 5D, insert—

*<Mediation services>*

**Mediation services**

In section 15(2) (independence of mediation services) of the 2004 Act, for the words “under this Act” substitute “relating to education or any of their other functions”.>

**Ken Macintosh**

**20** After section 5D, insert—

*<Dispute resolution>*

**Dispute resolution**

In section 16(2) (dispute resolution) of the 2004 Act, before paragraph (a), insert—

“(za) requiring any application by a person mentioned in subsection (1)(a) to (c) for referral to dispute resolution to be made to the Scottish Ministers.”.>

**Section 5E**

**Mr Adam Ingram**

**4** In section 5E, page 8, line 7, leave out from <any> to the end of line 8 and insert—

- <(i) a summary of the information published by the authority under this subsection, and
- (ii) information on how to access the information so published.”.>

**Mr Adam Ingram**

**5** In section 5E, page 8, line 11, after <needs> insert <for whose school education the authority are responsible>

**Mr Adam Ingram**

**6** In section 5E, page 8, line 12, after <needs> insert <for whose school education the authority are responsible>

**Mr Adam Ingram**

**7** In section 5E, page 8, line 15, leave out <or advice> and insert <published under this subsection by the authority>

**Section 5F**

**Mr Adam Ingram**

**8** In section 5F, page 8, line 18, leave out <(a)> and insert <(d) (as inserted by section 5E(a)(ii) of this Act)>

**Mr Adam Ingram**

**9** In section 5F, page 8, line 19, leave out <(aa)> and insert <(e)>

**Mr Adam Ingram**

- 10 In section 5F, page 8, line 19, leave out <published information> and insert <information published by the authority under this subsection>

**Mr Adam Ingram**

- 11 In section 5F, page 8, line 20, leave out from <place> to the end of line 21 and insert <school under the management of the authority,>

**Mr Adam Ingram**

- 12 In section 5F, page 8, line 22, leave out <in the authority’s area> and insert <under the management of the authority>

**After section 5G**

**Margaret Smith**

- 21 After section 5G, insert—

**<Power to specify additional sources of information**

In section 26(2) of the 2004 Act (publication of information by education authority), after paragraph (h) insert “, and

- (i) any other persons specified by the Scottish Ministers by order as persons from which the persons referred to in subsection (2)(f)(i) and (ii) can obtain advice, further information and support in relation to the provision for such needs, including such support and advocacy as is referred to in section 14”.>

**Mr Adam Ingram**

- 13 After section 5G, insert—

*<Provision of information by education authority on occurrence of certain events*

**Provision of information by education authority on occurrence of certain events**

In section 13 of the 2004 Act (provision of information etc. on occurrence of certain events), after subsection (4) insert—

- “(4A) In relation to the provision of any information under subsection (2)(a) or (4) in the case of a child, the education authority must seek and take account of the views of the child (unless the authority are satisfied that the child lacks capacity to express a view).”.>

**Section 6**

**Ken Macintosh**

- 22 In section 6, page 8, line 37, after <plan),> insert—

<( ) after subsection (3)(d)(i) insert—

“(ia) failure by the education authority to provide, or make arrangements for the provision of, the additional support (whether relating to education or not) identified by virtue of section 9(2)(a)(iii),”

( )>

**Ken Macintosh**

23 In section 6, page 9, line 20, at end insert—

<( ) In section 19(3) of the 2004 Act (powers of Tribunal in relation to reference) for “(d)(ii)” substitute “(d)(ia), (ii)”.

**After section 7A**

**Margaret Smith**

24 After section 7A, insert—

*<Availability of information on additional support needs*

**Availability of information on additional support needs**

After section 26 of the 2004 Act insert—

**“26A Availability of information on additional support needs**

The Scottish Ministers must report to the Scottish Parliament in each of the five years following the commencement of this section on what progress has been made in each of those years in ensuring that sufficient information relating to children and young persons with additional support needs is available to effectively monitor the implementation of this Act.”.>

**Margaret Smith**

25 After section 7A, insert—

*<Collection of data on additional support needs*

**Collection of data on additional support needs**

After section 27 of the 2004 Act insert—

**“27A Collection of data on additional support needs**

- (1) The Scottish Ministers must each year collect from each education authority information on—
  - (a) the number of children and young persons for whose school education the authority are responsible having additional support needs,
  - (b) the principal factors giving rise to the additional support needs of those children and young persons,
  - (c) the types of support provided to those children and young persons, and
  - (d) the cost of providing that support.
- (2) The Scottish Ministers must publish the information collected each year under subsection (1).

- (3) The Scottish Ministers may (after consulting such persons as they consider appropriate) by regulations specify the format in and method by which the information mentioned in subsection (1) is to be—
- (a) provided to, and
  - (b) published by,
- them.”.>

### **Section 7B**

**Mr Adam Ingram**

**14** Leave out section 7B

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