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.

### After section 5

**Mr Adam Ingram**

8 After section 5, insert—

\*Assessments and examination\*

After section 8 of the 2004 Act insert—

"8A Assessments and examinations: further provision

(1) A person specified in subsection (3) may request that the education authority arrange for a child or young person to whom section 4(1)(a) applies to undergo, for the purpose of considering the additional support needs of the child or young person, a process of assessment or examination.

(2) The education authority must comply with the request unless it is unreasonable.

(3) The persons referred to in subsection (1) are—

(a) where the request relates to a child, the child’s parent,

(b) where the request relates to a young person, the young person or, where the authority are satisfied the young person lacks capacity to make the request, the young person’s parent.

(4) The education authority must, in accordance with the arrangements made by them under section 4(1)(b), take into account the results of any assessment or examination undertaken by virtue of this section.

(5) A process of assessment or examination undertaken by virtue of this section is to be carried out by such person as the education authority consider appropriate.

(6) In this section the reference to assessment or examination includes educational, psychological or medical assessment or examination.".

**Ken Macintosh**

30 After section 5, insert—
<Assessment requests>
In section 8 of the 2004 Act (assessments and examinations), for subsections (1) and (2) substitute—

“(1) A person specified in subsection (2) may request that an education authority arrange for a child or young person specified in subsection (2A) to undergo, for a purpose mentioned in subsection (2B), a process of assessment or examination (such a request being referred to in this section as an “assessment request”).

(1A) The education authority must comply with the request unless it is unreasonable.

(2) The persons referred to in subsection (1) are—

(a) where the request relates to a child, the child’s parent,

(b) where the request relates to a young person, the young person or, where the authority are satisfied that the young person lacks capacity to make the request, the young person’s parent.

(2A) The children or young persons referred to in subsection (1) are—

(a) children or young persons for whose school education the authority are responsible,

(b) children belonging to the area of the authority who are under school age, and

(c) children or young persons belonging to the area of the authority but—

(i) for whose school education an authority is not responsible, and

(ii) who are not being provided with school education at an independent school or a grant-aided school.

(2B) The purposes referred to in subsection (1) are—

(a) identifying whether the child or young person has additional support needs,

(b) identifying whether a child or young person with additional support needs requires, or would require, a co-ordinated support plan,

(c) considering the additional support needs of a child or young person,

(d) reviewing a co-ordinated support plan under section 10.

(2C) Where both subsections (2A)(a) and (2B)(c) apply, the education authority must, in accordance with the arrangements made by them under section 4(1)(b), take into account the results of any assessment or examination undertaken by virtue of this section.

(2D) Where—

(a) the education authority is complying with a request made by virtue of section 7(2)(b), and

(b) a person mentioned in subsection (2) requests that the education authority arrange for the child or young person to whom the request under that section relates to undergo, for the purpose mentioned in subsection (2B)(b), a process of assessment or examination,

the education authority must comply with that request unless it is unreasonable.”>
14  After section 5, insert—

<Additional support needs etc.: specified children and young people>

(1) In section 1 (additional support needs) of the 2004 Act, after subsection (1) insert—

“(1A) Without prejudice to the generality of subsection (1), a child or young person has additional support needs if the child or young person is looked after and accommodated by a local authority under section 26 of the Children (Scotland) Act 1995 (c.36).”.

(2) In section 6 (children and young persons for whom education authority are responsible) after subsection (1) insert—

“(1A) Without prejudice to the generality of subsection (1), every education authority must in particular consider whether each child or young person falling within section 1(1A) for whose school education they are responsible requires a co-ordinated support plan.”.

Ken Macintosh

14A  As an amendment to amendment 14, line 7, at end insert—

<( ) is a carer (within the meaning of section 12AA of the Social Work (Scotland) Act 1968 (c.49) or section 24 of the Children (Scotland) Act 1995 (c.36))>

Ken Macintosh

14B  As an amendment to amendment 14, line 7, at end insert—

<( ) has a mental disorder (within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13))>

Ken Macintosh

14C  As an amendment to amendment 14, line 7, at end insert—

<( ) is deaf or partially deaf>

Ken Macintosh

14D  As an amendment to amendment 14, line 7, at end insert—

<( ) is blind or partially sighted>

Ken Macintosh

14E  As an amendment to amendment 14, line 7, at end insert—

<( ) is (any or all) deaf, partially deaf, blind or partially sighted>

Ken Macintosh

14F  As an amendment to amendment 14, line 7, at end insert—
has a disability within the meaning of the Disability Discrimination Act 1995 (c.50)>

Ken Macintosh
13 After section 5, insert—

<Co-ordinated support plans

Co-ordinated support plans
In section 2(1)(d) (persons by whom additional support provided) of the 2004 Act, the word “significant” is repealed.>

Ken Macintosh
31 After section 5, insert—

<Pre-school children

Functions of education authority in relation to certain pre-school children with additional support needs
In section 5 of the 2004 Act (general functions of education authority in relation to additional support needs), for subsections (2) and (3) substitute—

“(2) Where a child falling within subsection (3) has been brought to the education authority’s attention as appearing to have needs of the type mentioned in subsection (3)(c), the authority must (unless the child’s parent does not consent)—

(a) in accordance with the arrangements made by them under section 6(1), establish whether the child does have such needs, and

(b) provide such additional support as is appropriate for the child.

(3) A child falls within this subsection if the child—

(a) is under school age (unless the child is a prescribed pre-school child),
(b) belongs to the authority’s area, and
(c) appears to have additional support needs arising from a disability (within the meaning of the Disability Discrimination Act 1995 (c.50)) which the child has.”.>

Claire Baker
32 After section 5, insert—

<Provision of supporters and advocacy

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

“14A Provision of supporters and advocacy

The Scottish Ministers must secure the provision of a national supporters and advocacy service for the purpose of enabling relevant persons (within the meaning of section 14(2)) to have access, on request and free of charge, to a supporter or an advocate (within the meaning of section 14(1)(a) or, as the case may be, (b)).”.
Kenneth Gibson
21 After section 5, insert—

<Mediation services

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

Kenneth Gibson
22 After section 5, 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, in the first instance, to the Scottish Ministers.”.

Mr Adam Ingram
29 After section 5, insert—

<Access to information published by education authority

Access to information published by education authority
In section 26 of the 2004 Act (publication of information by education authority)—

(a) in subsection (1)—
   (i) the word “and” immediately following paragraph (b) is repealed,
   (ii) after paragraph (c) insert—
      “(d) ensure that the information published by them under this subsection is available, on request, from each school under the management of the authority, and
      (e) provide the persons mentioned in subsection (2A) with information on how to access the information so published.”,

(b) after subsection (2), insert—

“(2A) The persons referred to in subsection (1)(e) are—

(a) in the case of a child with additional support needs for whose school education the authority are responsible, the child’s parent,

(b) in the case of a young person with additional support needs for whose school education the authority are responsible—
   (i) the young person, or
   (ii) if the authority are satisfied that the young person lacks capacity to understand the information published under subsection (1)(a) or (c), the young person’s parent.”.
Elizabeth Smith  
10 After section 5, insert—

Publication of information by education authority

Provision of published information to certain persons

In section 26 of the 2004 Act—

(a) in subsection (1)—

(i) the word “and” immediately following paragraph (b) is omitted, and

(ii) after paragraph (c), insert “, and

(d) provide the persons mentioned in subsection (2A) with any information published under paragraph (a) or (c).”,

(b) after subsection (2), insert—

“(2A) The persons referred to in subsection (1)(d) are—

(a) in the case of a child with additional support needs, the child’s parent,

(b) in the case of a young person with additional support needs—

(i) the young person, or

(ii) if the authority are satisfied that the young person lacks capacity to understand the information or advice, the young person’s parent.”.

Margaret Smith  
19 After section 5, insert—

Publication of information by education authority

Availability of published information

In section 26(1) of the 2004 Act (publication of information by education authority), after paragraph (a) insert—

“(aa) ensure that the published information is available—

(i) on request, from each place in the authority’s area where school education is provided,

(ii) in any handbook or other publications provided by any school in the authority’s area or by the authority for the purposes of providing general information about the school or, as the case may be, the services provided by the authority, and

(iii) on any website maintained by any such school or the authority for that purpose (whether or not the website is also maintained for any other reason).”.

Margaret Smith  
33 After section 5, insert—
Publication of information by education authority

Availability of published information

In section 26(1) of the 2004 Act (publication of information by education authority), after paragraph (a) insert—

“(aa) ensure that a summary of the published information is available—

(i) on request, from each place in the authority’s area where school education is provided,

(ii) in any handbook or other publications provided by any school in the authority’s area or by the authority for the purposes of providing general information about the school or, as the case may be, the services provided by the authority, and

(iii) on any website maintained by any such school or the authority for that purpose (whether or not the website is also maintained for any other reason).”.

Elizabeth Smith

11 After section 5, insert—

Publication of information on dispute resolution

In section 26(2) of the 2004 Act (publication of information by education authority), after paragraph (e) insert—

“(ea) any dispute resolution procedures established by the authority in pursuance of section 16,”.

Margaret Smith

20 After section 5, insert—

Publication of information on other sources of advice

In section 26 of the 2004 Act (publication of information by education authority)—

(a) in subsection (2)—

(i) the word “and” immediately following paragraph (e) is repealed, and

(ii) after paragraph (f) insert “and

(g) other specified persons or bodies from whom—

(i) parents of children having additional support needs, and

(ii) young persons having such needs,

can obtain advice and further information about provision for such needs.”, and

(b) after subsection (3) insert—

“(4) In subsection (2)(g), “specified” means specified for the purposes of that subsection in an order made by the Scottish Ministers.”.
After section 5, insert—

**Publication of information by education authority**

**Annual statistical report**

In section 26 of the 2004 Act (publication of information by education authority) after subsection (3) insert—

“(4) Every education authority must publish annually a report setting out (by school and year group)—

(a) the number of children and young persons for whose school education the authority are responsible having additional support needs, and

(b) the principal grounds on which such children and young persons have been identified as having additional support needs.

(5) Subsection (3)(b) applies to a report published under subsection (4) as it applies to information published under subsection (1).”.

After section 5, insert—

**Publication of information by education authority: consultation etc.**

(1) After section 26 of the 2004 Act (publication of information by education authority), insert—

“26A Consultation on policy in relation to provision for additional support needs etc.

(1) Before publishing information under section 26(1), every education authority must comply with the duties described in subsections (2) and (3).

(2) The first duty is a duty to consult at least once every three years (beginning with the commencement of this section) the persons specified in subsection (4) about the matters specified in section 26(2). 

(3) The second duty is a duty to have regard to any guidance issued by the Scottish Ministers about—

(a) the content of information published under section 26(1),

(b) the way in which such information is to be published, and

(c) the persons to be consulted by virtue of subsection (2).

(4) Those persons are—

(a) (in so far as the education authority considers them to be of a suitable age and maturity), such children and young persons for whose school education the authority is responsible,

(b) such parents of such children and young persons, and

(c) such other persons,

as the authority considers appropriate.
(5) Consultation on the matter specified in section 26(2)(a) must in particular seek the views of the persons specified in subsection (4) about any general policies or practices applied (or proposed to be applied) by the authority in complying with their duty under section 4(1)(a) (for example, policies as to what constitutes adequate and efficient provision for children or young persons with a particular type of additional support need).

(6) A consultation under subsection (2) is to be carried out on the authority’s behalf by a person who is not employed by the authority (whether in the exercise of their functions relating to education or any of their other functions).

(7) A report of the consultation carried out under subsection (2) is to be published in such manner as the authority considers appropriate and a copy sent to Her Majesty’s Inspectors.”.

(2) In section 29(2) of the 2004 Act (interpretation) after ““Health Board”,“ insert—

““Her Majesty’s Inspectors”,“.”.

Margaret Smith
Supported by: Ken Macintosh

34 After section 5, insert—

Pupils aged eighteen or over

In section 29 of the 2004 Act (interpretation), after subsection (2), insert—

“(2A) The provisions of this Act (with the exception of section 22 and schedule 2) apply to a pupil aged eighteen or over for whom an education authority are providing school education as they apply to a young person.”.

After section 6

Elizabeth Smith

12 After section 6, insert—

References to Tribunal in relation to duties under section 12(6) and 13

(1) In section 18 of the 2004 Act—

(a) in the title, omit “in relation to co-ordinated support plan”, and

(b) in subsection (3), after paragraph (f) (as inserted by section 1(6)(b) of this Act), insert—

“(g) failure by the education authority to comply with their duties under section 12(6) and 13 in respect of the child or young person (except where consent for information to be provided under section 13(2)(a) or (4) has not been given under section 13(5)) .”.

(2) In section 19(3) of the 2004 Act, for “or (d)(ii) or (iii)”, substitute “, (d)(ii) or (iii) or (g)”.
After section 7

Ken Macintosh

27 After section 7, insert—

<Power to monitor implementation of Tribunal decisions

In schedule 1 of the 2004 Act (Additional Support Needs Tribunals for Scotland) after paragraph 11, insert—

“Power to monitor implementation of Tribunal decisions

11A The President may, in any case where a decision of a Tribunal required an education authority to do anything, keep under review the authority’s compliance with the decision and, in particular, may—

(a) require the authority to provide information about the authority’s implementation of the Tribunal decision,

(b) where the President is not satisfied that the authority is complying with the decision, refer the matter to the Scottish Ministers.”.>

Ken Macintosh

28 After section 7, insert—

<Recovery of costs

Provision by education authority for education of pupils belonging to areas of other authorities: recovery of costs where pupil has additional support needs

After section 27 of the 2004 Act insert—

“Recovery of costs

27A Provision by education authority for education of pupils belonging to areas of other authorities: recovery of costs where pupil has additional support needs

Where the responsible education authority make a claim to recover reasonable costs for the education of pupils belonging to areas of other authorities, where the child or young person has additional support needs and in respect of those additional needs, that other education authority must make payment.”.>

Long Title

Mr Adam Ingram

9 In the long title, page 1, line 3, after <education;> insert <to make minor provision in relation to additional support needs;>