

# Education (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections A1 to 28  
Long title

Schedule

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

### Section A1

#### George Adam

- 17 In section A1, page 1, line 20, after <of> insert <, or are associated with,>

#### Mark Griffin

- 18 In section A1, page 1, line 21, after <disadvantage,> insert—  
<( ) pupils who are looked after children,>

#### George Adam

- 19 In section A1, page 1, line 21, after <disadvantage,> insert—  
<( ) pupils with speech, language and communication needs who experience those inequalities,>

#### George Adam

- 20 In section A1, page 1, line 24, after <disadvantage> insert <or speech, language and communication needs>

#### Mark Griffin

- 21 In section A1, page 1, line 24, after <disadvantage,> insert—  
<( ) are not looked after children,>

#### Mark Griffin

- 22 In section A1, page 1, line 27, at end insert—  
<( ) In subsection (2), the references to “looked after children” are to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995.>

#### George Adam

- 23 In section A1, page 2, line 21, at end insert—

<( ) such persons as provide services to children and young people who experience inequalities of outcome associated with socio-economic disadvantage, including those who provide services which support the speech, language and communication needs of pupils in schools managed by an education authority,>

**George Adam**

24 In section A1, page 2, line 23, at end insert—

**<Pupils experiencing inequalities of outcome: optimising speech, language and communication development**

- (1) The Scottish Ministers may by regulations make such provision as they consider necessary or expedient for or in connection with the purpose mentioned in subsection (2).
- (2) The purpose is to optimise children and young people’s speech, language and communication development, reducing inequalities of outcome.
- (3) Regulations under subsection (2) are subject to the affirmative procedure.”.>

**George Adam**

25 In section A1, page 2, line 23, at end insert—

**<Pupils experiencing inequalities of outcome: national speech, language and communication strategy**

- (1) The Scottish Ministers must by regulations make provision for a national speech, language and communication strategy for the purpose mentioned in subsection (2).
- (2) The purpose is to reduce inequalities of outcome.
- (3) Regulations under subsection (1) must be laid before the Parliament no later than 1 year after this section comes into force.
- (4) The Scottish Ministers may not make regulations under subsection (1) unless—
  - (a) they have consulted in accordance with subsection (5),
  - (b) following that consultation, they have laid before the Parliament—
    - (i) draft regulations, and
    - (ii) an explanatory document prepared in accordance with subsection (8), and
  - (c) the draft regulations have been approved by resolution of the Parliament.
- (5) For the purposes of consultation required by subsection (4)(a), the Scottish Ministers must—
  - (a) lay before the Parliament a copy of the proposed draft regulations,
  - (b) send a copy of the proposed draft regulations to any person to be consulted under subsection (6),
  - (c) have regard to any representations about the proposed draft regulations made to them within 60 days of the date on which the copy of the proposed draft regulations are laid before the Parliament.

- (6) For the purposes of subsection (5)(b) the Scottish Ministers must send a copy of the regulations to—
  - (a) local authorities,
  - (b) Health Boards,
  - (c) children and young people, including children and young people with speech, language and communication needs,
  - (d) the parents of children and young people with speech, language and communication needs,
  - (e) organisations working for, and on behalf of, children and young people, including children and young people with speech, language and communication needs,
  - (f) the providers of speech, language and communications services, and
  - (g) such other persons as they consider appropriate.
- (7) In calculating any period of 60 days for the purpose of subsection (5)(c), no account is to be taken of any time during which the Scottish Parliament is dissolved, or is in recess, for more than 4 days.
- (8) An explanatory document laid under subsection (4)(b)(ii), must give details of—
  - (a) the consultation carried out under subsection (4)(a),
  - (b) any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the proposed draft regulations as a result of those representations.”.>

#### **After section A1**

#### **George Adam**

**26** After section A1, insert—

##### **<Directions**

- (1) The Standards in Scotland’s Schools etc. Act 2000 is amended as follows.
- (2) After section 12 (code of practice as regards inspection of educational establishment) insert—

##### *“Directions*

#### **12A Pupils experiencing inequalities of outcome: directions**

- (1) A person or persons mentioned in subsection (2) must comply with any direction issued by the Scottish Ministers about ensuring that education, and any related services, in the area of the education authority concerned, are provided in the way which best optimises the speech, language and communication development of every child in the area concerned.
- (2) Those persons are—
  - (a) a local authority,
  - (b) a health board,

- (c) such other persons as may be specified in regulations made by the Scottish Ministers.
- (3) Before issuing, revising, or revoking a direction, the Scottish Ministers must consult—
  - (a) any person to which it relates, and
  - (b) such other persons as they consider appropriate.
- (4) Regulations under subsection (2)(c) are subject to the affirmative procedure.”.>

**George Adam**

**27** After section A1, insert—

**<Communication standards**

- (1) The Standards in Scotland’s Schools etc. Act 2000 is amended as follows.
- (2) After section 14 (guidance to education authorities as to home education) insert—

*“Communications standards*

**14A Duty to use inclusive communication standards**

- (1) An education authority in exercising its functions under this Act must implement and use inclusive communication standards.
- (2) For the purpose of this Act “inclusive communication standards” means standards which enable children and young people, and parents, with the broadest range of speech, language and communication needs to understand information and to express themselves.
- (3) For pupils and their families who use or rely on speech, language and communication services, it means getting information and being encouraged to express themselves in ways that meet their needs.
- (4) The duty to implement inclusive communication standards applies to all forms of communication.”.>

**Section 1A**

**George Adam**

**28** In section 1A, page 2, line 30, after <objectives> insert <(including those relating to optimising speech, language and communication development)>

**Liam McArthur**

**29** In section 1A, page 2, line 31, at end insert—

- <( ) The National Improvement Framework may not include provision for a national standardised assessment in literacy and numeracy in any year of primary or secondary education.>

**Liam McArthur**

**30** In section 1A, page 2, line 31, at end insert—

<(1A) Before introducing any system of standardised assessment in connection with or for the purposes of the National Improvement Framework, the Scottish Ministers must comply with subsection (1B).

(1B) The Scottish Ministers must consider, and publish (in such manner as they consider appropriate) a report on, the likely impact on the wellbeing of children of sitting standardised assessments.>

**Liam McArthur**

**31** In section 1A, page 2, line 31, at end insert—

<(1C) Before introducing any standardised assessment of pupils in the first year of primary education in connection with or for the purposes of the National Improvement Framework, the Scottish Ministers must comply with subsection (1D).

(1D) The Scottish Ministers must publish (in such manner as they consider appropriate) a report setting out the quality of evidence that is expected to be obtained from a standardised assessment such as is mentioned in subsection (1C).>

**Liam McArthur**

**32** In section 1A, page 2, line 31, at end insert—

<( ) The Scottish Ministers must not, in introducing any system of standardised assessment in connection with or for the purposes of the National Improvement Framework, specify a particular time period within a school year within which the assessment must take place.>

**George Adam**

**33** In section 1A, page 3, line 3, at end insert—

<( ) such persons as provide services to children and young people who experience inequalities of outcome associated with socio-economic disadvantage, including those who provide services which support the speech, language and communication needs of pupils in school education,>

**Angela Constance**

**1** In section 1A, page 3, line 4, at beginning insert <such>

**Angela Constance**

**2** In section 1A, page 3, line 4, at end insert <as the Scottish Ministers think appropriate,>

**Angela Constance**

**3** In section 1A, page 3, leave out line 5 and insert—

<(d) such parents of pupils who are being provided with school education as the Scottish Ministers think appropriate.>

**Angela Constance**

- 4 In section 1A, page 3, line 11, at end insert—  
<( ) In subsection (1), “school education” means school education directed as is described in section 2.>

**Angela Constance**

- 5 In section 1A, page 3, leave out lines 18 and 19

**Section 1B**

**George Adam**

- 34 In section 1B, page 3, line 38, after <3A(2)> insert <(including the steps they propose to take during the planning period to reduce the inequalities of outcome by optimising speech, language and communication development),>

**George Adam**

- 35 In section 1B, page 4, line 9, at end insert <(including the steps the authority proposes to take during the planning period to reduce the inequalities of outcome by optimising speech, language and communication development),>

**George Adam**

- 36 In section 1B, page 4, line 33, at end insert <(including details of how they have reduced inequalities of outcome by optimising speech, language and communication development),>

**George Adam**

- 37 In section 1B, page 5, line 8, at end insert <(including details of how the authority has reduced inequalities of outcome by optimising speech, language and communication development),>

**Liam McArthur**

- 38 In section 1B, page 5, line 14, at end insert—  
<(1A) A report under subsection (1) may also include information on steps taken, with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2), by a person other than the education authority which were included in the children’s services plan for the authority’s area.  
(1B) In subsection (1A), “children’s services plan” has the meaning given by section 8(2) of the Children and Young People (Scotland) Act 2014.>

**Mark Griffin**

- 39 In section 1B, page 5, line 16, at end insert—  
<**Review of methodology informing National Improvement Framework**  
(1) The Scottish Ministers must, for the purposes of subsection (2)—

- (a) undertake a review of any methodology used to inform any system of standardised testing provided for in the National Improvement Framework,
  - (b) publish a report of the review, and
  - (c) lay the report before the Parliament,
- no later than 6 months after the day of Royal Assent.
- (2) The purpose of a review under subsection (1)(a) is to consider whether any system of standardised testing provided for in the National Improvement Framework should be informed by the studies mentioned in subsection (3).
  - (3) Those studies are—
    - (a) the study known as the Trends in International Mathematics and Science Study,
    - (b) the study known as the Progress in International Reading Literacy Study.
  - (4) The Scottish Ministers must in conducting the review consult such persons as they consider appropriate.>

### **Section 1C**

#### **George Adam**

**40** In section 1C, page 6, line 19, at end insert—

<( ) such persons as provide services to children and young people who experience inequalities of outcome associated with socio-economic disadvantage, including those who support the speech, language and communication development needs of pupils in schools managed by an education authority,>

#### **George Adam**

**41** In section 1C, page 6, line 22, at end insert—

<( ) Guidance issued by the Scottish Ministers under this section must include guidance on how an education authority should optimise speech, language and communication development within the area of the education authority in relation to meeting the duties imposed under sections 3B and 3D.>

### **After section 1C**

#### **Mark Griffin**

**42** After section 1C, insert—

#### **<Review**

- (1) The Scottish Ministers must—
  - (a) undertake a review of the effectiveness of the measures in this Part in reducing inequalities of outcome for pupils such as are mentioned in section 3A of the Standards in Scotland’s Schools etc. Act 2000 (“the 2000 Act”),
  - (b) publish a report of the review, and

- (c) lay the report before the Parliament,  
no later than 12 months after the day of Royal Assent.
- (2) The Scottish Ministers must in conducting the review consult such persons as they consider appropriate.
- (3) A report under subsection (1)(b) must set out whether there are any additional measures that should be implemented for the educational benefit of pupils such as are mentioned in section 3A of the 2000 Act.
- (4) Where a report recommends the implementation of additional measures, it must also set out—
  - (a) whether additional funding will be made available to local authorities to fund these measures, and
  - (b) where funding is to be made available, if it is to be made available by moving a Scottish rate resolution (under section 80C of the Scotland Act 1998) that increases the rate of income tax to be paid by Scottish taxpayers.>

**Mark Griffin**

**43** After section 1C, insert—

**<The 2025 target**

- (1) The Scottish Ministers must ensure that at least 95% of pupils completing their seventh year of primary education have successfully attained the experiences and outcomes specified in relation to literacy at the second level of the Curriculum for Excellence.
- (2) The duty in subsection (1) is to be complied with—
  - (a) by no later than the end of the 2024 to 2025 school year, and
  - (b) in each subsequent school year.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the end of the 2024 to 2025 school year, lay before the Scottish Parliament a report stating whether the target set out in subsection (1) has been met and, if it has not been met, giving reasons for this.>

**Mark Griffin**

**44** After section 1C, insert—

**<The 2020 target**

- (1) The Scottish Ministers must ensure that at least 95% of children are achieving the expected learning and development outcomes at the time of the child health review carried out at age 27 to 30 months.
- (2) The duty in subsection (1) is to be complied with—
  - (a) by no later than the end of 2020, and
  - (b) in each subsequent year.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the end of 2020, lay before the Scottish Parliament a report stating whether the target set out in subsection (1) has been met and, if it has not been met, giving reasons for this.>



## Section 7

### Mary Scanlon

45 In section 7, page 9, line 10, at end insert—

<(4A) In making an initial assessment, the authority may also take into account any information available to it (whether as a result of a previous assessment under this section or section 10 in relation to any part of the authority's area or otherwise) about—

- (a) the availability and suitability of any premises in the authority's area in which GMPE is being, or could reasonably be, provided,
- (b) the potential to assign or recruit persons to teach GMPE in the GMPE assessment area.>

### Mary Scanlon

46 In section 7, page 9, line 12, leave out from third <the> to end of line 13 and insert—

- <(i) and not satisfied that the condition in subsection (6A) is met, the authority must determine that there is a potential need for GMPE in the area,
- (ii) and satisfied that the condition in subsection (6A) is met, the authority must determine that, despite there being a potential need for GMPE in the area, it may not be possible to secure such provision,>

### Mary Scanlon

47 In section 7, page 9, line 14, leave out <that condition> and insert <the condition in subsection (6)>

### Mary Scanlon

48 In section 7, page 9, line 17, at end insert—

<(6A) The condition is that information taken into account under subsection (4A) tends to indicate that the provision of GMPE could not reasonably be secured in the GMPE assessment area.>

## Section 8

### Mary Scanlon

49 In section 8, page 9, line 26, leave out <7(5)(a)> and insert <7(5)(a)(i)>

### Mary Scanlon

50 In section 8, page 9, line 32, after <section> insert <7(5)(a)(ii) or>

## Section 10

### Michael Russell

51 In section 10, page 11, line 24, at end insert—

<( ) the body known as Comann nam Pàrant,>

**John Finnie**

- 52 In section 10, page 12, line 28, leave out <the authority considers that>

**Section 17**

**Liam McArthur**

- 53 In section 17, page 16, line 27, after <of> insert <the Age of Legal Capacity (Scotland) Act 1991 and>

**Section 17B**

**Angela Constance**

- 6 In section 17B, page 17, line 11, after <hours> insert <(the “prescribed hours”)>

**Angela Constance**

- 7 In section 17B, page 17, line 13, at end insert <(but subject to subsection (3)).>

**Angela Constance**

- 8 In section 17B, page 17, line 18, leave out <public>

**Angela Constance**

- 9\* In section 17B, page 17, leave out lines 26 to 29 and insert—

<(3) Where any of the circumstances mentioned in subsection (3A) (the “relevant circumstances”) apply to a pupil during a school year (the “relevant year”), an education authority may secure that fewer than the prescribed hours are made available to the pupil during the relevant year.

(3A) The relevant circumstances are—

(a) that the authority is satisfied that the pupil’s wellbeing would be adversely affected if the prescribed hours were to be made available to the pupil during the relevant year,

(b) that, because of matters outwith the control of the authority, it is impracticable for the authority to secure that the prescribed hours are made available to the pupil during the relevant year,

(c) that other prescribed circumstances apply.

(3B) Where an education authority exercises the power conferred by subsection (3) in relation to a pupil, the authority must secure that no fewer than the reduced hours are made available to the pupil during the relevant year.

(3C) In subsection (3B), “reduced hours”, in relation to a pupil, means the prescribed hours less the number of learning hours that were not, by virtue of the application of the relevant circumstances in relation to the pupil, made available during the relevant year to the pupil.

(3D) For the purposes of subsection (3A)(a), the education authority is to determine whether it is satisfied that a pupil’s wellbeing would be adversely affected by reference to the extent to which the pupil is or would be—

- safe,
- healthy,
- achieving,
- nurtured,
- active,
- respected,
- responsible, and
- included.

(3E) Subsections (3) to (3D) apply in relation to the managers of a grant-aided school as they apply in relation to an education authority.>

**Mary Scanlon**

**54** In section 17B, page 17, line 29, at end insert—

<( ) Subsection (1) does not apply until the beginning of the first school year 2 years after the day of Royal Assent.>

**Mary Scanlon**

**55** In section 17B, page 17, line 29, at end insert—

<( ) Subsection (1) does not apply in relation to an education authority if the education authority is satisfied that it is not in the best interests of pupils generally, or of particular groups of pupils, for whose school education the authority are responsible for the prescribed number of learning hours to be made available during a school year.>

**Mary Scanlon**

**56** In section 17B, page 17, line 29, at end insert—

<( ) Subsection (1) does not apply in relation to—

- (a) a school within the education authority’s area, or
- (b) a grant-aided school,

if the education authority is or, as the case may be, the managers of the grant aided school are, satisfied that it is not in the best interests of the school’s pupils for the prescribed number of learning hours to be made available during a school year.>

**Angela Constance**

**10** In section 17B, page 17, line 30, after <(1)> insert <or (3A)(c), or under the definition of “learning hours” in subsection (5),>

**Angela Constance**

- 11 In section 17B, page 17, line 30, leave out <make—> and insert—  
<( ) include transitional or transitory provision,>

**Angela Constance**

- 12 In section 17B, page 17, line 31, at beginning insert <make>

**Angela Constance**

- 13 In section 17B, page 17, line 32, at beginning insert <make>

**Angela Constance**

- 14\* In section 17B, page 17, line 32, at end insert—  
<(4A) The Scottish Ministers may by regulations modify the list in subsection (3D) so as to amend, remove or add to the matters for the time being mentioned in the list.  
(4B) Before making any regulations under subsection (4A), the Scottish Ministers must consult such persons as they consider appropriate.>

**Mary Scanlon**

- 57 In section 17B, page 17, line 32, at end insert—  
<( ) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.>

**Angela Constance**

- 15 In section 17B, page 18, line 1, leave out <or (5)> and insert <, (3A)(c) or (4A), or under the definition of “learning hours” in section 2ZA(5)>

**Mary Scanlon**

- 58 Leave out section 17B

**After section 18A**

**Malcolm Chisholm**

- 59 After section 18A, insert—  
<**Administration of medicines and health care procedures**  
Before section 57 of the 1980 Act insert—  
**“56F Administration of medicines and health care procedures**  
(1) This section applies to—  
(a) pupils in attendance at public schools and other educational establishments under the management of an education authority, and

- (b) pupils who receive school education under arrangements entered into by an education authority under section 35 of the Standards in Scotland's Schools etc. Act 2000 (provision of school education by persons other than education authorities).
- (2) The authority must ensure that adequate arrangements are made for the provision, during school hours, of such assistance as is required by each pupil who requires assistance with the administration of medicines or health care procedures.
- (3) In carrying out the duty under subsection (2), an education authority must have regard to any guidance issued by the Scottish Ministers about the assistance to be provided to pupils who require assistance with the administration of medicines or health care procedures.>

### **Schedule**

#### **Liam McArthur**

**60** In the schedule, page 25, line 3, at end insert—

<In section 2 of the Age of Legal Capacity (Scotland) Act 1991 (exceptions to general rule that persons aged under 16 have no legal capacity), after subsection (4C) insert—

“(4D) A person under the age of sixteen years shall have legal capacity to exercise rights conferred on the person by the Education (Additional Support for Learning) (Scotland) Act 2004 where that person has a general understanding of what it would mean to exercise such rights; and without prejudice to the generality of this subsection a person aged twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding.”>

#### **Liam McArthur**

**61** In the schedule, page 25, leave out lines 8 to 26 and insert—

<( ) References in this Act to a child who has capacity or who lacks capacity are to be construed in accordance with section 2(4D) of the Age of Legal Capacity (Scotland) Act 1991.>

#### **Liz Smith**

**62** In the schedule, page 25, line 27, leave out from <to> to end of line 28 and insert <—

- (a) in relation to an act that may be carried out by a young person under a provision of this Act, if the young person does not have sufficient understanding to carry out the act,
- (b) in relation to a decision of the young person mentioned in a provision of this Act, if the young person does not have sufficient understanding to—
  - (i) make the decision,
  - (ii) communicate the decision,
  - (iii) understand the decision and its implications for the young person, and
  - (iv) retain the memory of the decision,

- (c) in relation to the provision, under a provision of this Act, of any information, advice, or co-ordinated support plan by an education authority to the young person, if the young person does not have sufficient understanding to understand the information, advice or (as the case may be) plan,
- (d) in relation to any view of the young person mentioned in this Act, if the young person does not have sufficient understanding to express the view.>

**Liam McArthur**

- 63** In the schedule, page 25, line 33, leave out from beginning to end of line 11 on page 27

**Liam McArthur**

- 64** In the schedule, page 27, leave out lines 23 to 25 and insert—

<( ) in subsection (3), for paragraph (a) substitute—

“(a) in the case of a child—

- (i) except where the authority are satisfied that the child lacks capacity to make the request, the child, or
- (ii) the child’s parent,” and>

**Liam McArthur**

- 65** In the schedule, page 27, line 30, leave out <(3)(aa)> and insert <(3)(a)(i)>

**Liam McArthur**

- 66** In the schedule, page 27, line 34, leave out from beginning to end of line 17 on page 29 and insert—

<(a) in subsection (3), for paragraph (a) substitute—

“(a) in the case of a child—

- (i) except where the authority are satisfied that the child lacks capacity to make the request, the child, or
- (ii) the child’s parent,” and

(b) in subsection (8), for paragraph (a) substitute—

“(a) in the case of a child—

- (i) except where the authority are satisfied that the child lacks capacity to understand the information or advice, the child, or
- (ii) the child’s parent.”.

In section 8 (assessments and examinations), in subsection (2), for paragraph (b)(i) substitute—

“(i) where the proposal relates to a child—

- (A) except where the authority are satisfied that the child lacks capacity to make the request, the child, or

(B) the child’s parent,”.

In section 8A (assessments and examinations: further provision), in subsection (3), for paragraph (a) substitute—

- “(a) where the request relates to a child—
  - (i) except where the authority are satisfied that the child lacks capacity to make the request, the child, or
  - (ii) the child’s parent,”.

In section 9 (duty to prepare co-ordinated support plans), in subsection (2), for paragraph (d)(i) substitute—

- “(i) in the case of a plan prepared for a child—
  - (A) except where the authority are satisfied that the child lacks capacity to seek advice or information, the child, or
  - (B) the child’s parent,”.

In section 10 (reviews of co-ordinated support plans), in subsection (5), for paragraph (a) substitute—

- “(a) in the case of a co-ordinated support plan prepared for a child—
  - (i) except where the authority are satisfied that the child lacks capacity to make the request, the child, or
  - (ii) the child’s parent,”.

In section 11 (co-ordinated support plans: further provision)—

- (a) in subsection (3), for paragraph (a) substitute—
  - “(a) in the case of a child—
    - (i) except where the authority are satisfied that the child lacks capacity to understand the information, the child, or
    - (ii) the child’s parent,” and
- (b) in subsection (5), for paragraph (a)(i) substitute—
  - “(i) in the case of a child—
    - (A) except where the authority are satisfied that the child lacks capacity to understand the plan, to the child, or
    - (B) to the child’s parent,”.>

**Liam McArthur**

67 In the schedule, page 29, leave out lines 24 to 31 and insert <, for paragraph (a) substitute—

- “(a) in the case of a child—
  - (i) except where education authority are satisfied that the child lacks capacity to give consent, the child, or
  - (ii) the child’s parent,”.

In section 14 (supporters and advocacy), in subsection (2), for paragraph (a) substitute—

- “(a) in the case of a child—

- (i) except where the authority are satisfied that the child lacks capacity to participate in discussions or make representations as referred to in subsection (1), the child, or
- (ii) the child’s parent,”.>

**Liam McArthur**

**68** In the schedule, page 29, line 39, leave out from beginning to end of line 19 on page 30 and insert—

- <(a) in subsection (1), before paragraph (a) insert—
  - “(za) any child (except a child who lacks capacity to express a view or make a decision for the purposes of resolving such disputes),”, and
- (b) in subsection (3), after the word “parent”, where it occurs in each of paragraphs (a) and (b), insert “, child”.

In section 18 (references to the Tribunal)—

- (a) in subsection (2), for paragraph (a) substitute—
  - “(a) where the decision, failure or information relates to a child—
    - (a) except where the child lacks capacity to make the reference, the child, or
    - (ii) the child’s parent,”, and
- (b) after subsection (3)(e), insert—
  - “(ea) a decision of an education authority that a child lacks capacity to exercise a right under this Act,”.>

**Liam McArthur**

**69** In the schedule, page 30, line 33, leave out <or (eb)>

**Liam McArthur**

**70** In the schedule, page 30, line 36, leave out from <, or> to end of line 15 on page 31 and insert <.

In section 19 (powers of Tribunal in relation to reference), in subsection (2), for “or (d)(iv)” substitute “, (d)(iv) or (ea)”.

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

- (a) in subsection (2)(f)—
  - (i) the word “and” immediately following sub-paragraph (i) is repealed, and
  - (ii) after that sub-paragraph insert—
    - “(ia) children having additional support needs, and”, and
- (b) in subsection (2A), for paragraph (a) substitute—
  - “(a) in the case of a child with additional support needs for whose school education the authority are responsible—
    - (i) except where the authority are satisfied that the child lacks capacity to understand the information published under this section by the authority, the child, or



(ii) the child's parent,".>

**Liam McArthur**

71 In the schedule, page 31, line 34, leave out <who has attained the age of 12 years>

**Liam McArthur**

72 In the schedule, page 31, line 39, leave out <who have attained the age of 12 years and>

**Liam McArthur**

73 In the schedule, page 32, line 27, leave out <who has attained the age of 12 years>

**Angela Constance**

16 In the schedule, page 32, line 33, at end insert—

<In section 34 (orders, regulations and rules)—

(a) in subsection (4), after “except” insert “section 3AA(3),” and

(b) in subsection (5)(b), after “section” insert “3AA(3) or”.>

**Liam McArthur**

74 In the schedule, page 33, line 1, leave out from <who> to end of line 4 and insert <to exercise a right under this Act,>

**Long title**

**Mary Scanlon**

75 In the long title, page 1, line 7, leave out from second <to> to <provided;> in line 8

**Malcolm Chisholm**

76 In the long title, page 1, line 9, after <grants;> insert <to make provision about duties in connection with the administration of medicines and health care procedures in schools;>



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