

Education (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Gaelic medium education: assessment requests to relate to children not at primary school etc.

1, 2, 3, 4, 27, 35, 36, 37, 38, 39, 40

Initial assessment of requests for Gaelic medium education: factors to be considered and conditions determining next step

5, 140, 6, 141, 7, 8, 9, 10, 142, 11, 12, 144, 145

Notes on amendments in this group

Amendments 11 and 12 are pre-empted by amendment 143 in the following group

Request for provision of Gaelic medium education: determination of demand threshold

143

Notes on amendments in this group

Amendment 143 pre-empts amendments 11 and 12 in the preceding group

Initial assessment of requests for provision of Gaelic medium education: timescale for assessment and notification of decision

13, 14, 15, 16, 17, 18, 19, 20, 21

Gaelic medium education: requests that need not be considered

22, 23, 146

Full assessment of request for provision of Gaelic medium education: factors to be considered and basis of decision etc.

24, 25, 26, 28, 29, 130, 131, 30, 31, 32, 33

Speech, language and communication development needs of children in Gaelic medium education

147, 148, 149

Ability to appeal against decision not to provide Gaelic medium primary education

132, 134

Power to extend Part 2 to early learning and childcare

34

Rights under Education (Additional Support for Learning) (Scotland) Act 2004: children to whom rights extended, definition of capacity, role of education authority and Tribunal in relation to assessing capacity and determining whether rights can be exercised (including in relation to young people) etc.

150, 151, 152, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 50A, 153, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 154, 155, 156, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 157, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 99, 100, 101, 102, 103

Notes on amendments in this group

Amendment 152 pre-empts the following amendments: 41, 42, 43, 44, 45, 46, 47, 48 and 49

Amendment 153 pre-empts the following amendments: 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72

Amendment 157 pre-empts the following amendments: 86, 87, 88, 89, 90, 91, 92 and 93

Collection of data on additional support needs

96

Rights under Education (Additional Support for Learning) (Scotland) Act 2004: provision of support service for children

158

Power to seek views of children in relation to references to Tribunal

98

Educational attainment: inequalities of outcome, National Improvement Framework, planning and reporting

104, 105, 106, 107, 108, 109, 110, 129

Reporting etc. duties: health promotion and parental involvement

111, 112

Children unable to attend early learning and childcare

113

Provision of school meals

114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126

Head teachers: education and training standards

133, 135, 136, 137, 138, 139

Regulations under Part 2: procedure

127, 128

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Amendments in debating order

Gaelic medium education: assessment requests to relate to children not at primary school etc.

Dr Alasdair Allan

- 1 In section 5, page 3, line 14, after <age> insert <and has not commenced attendance at a primary school>

Dr Alasdair Allan

- 2 In section 5, page 3, line 30, after <as> insert <or in relation to>

Dr Alasdair Allan

- 3 In section 6, page 4, line 13, leave out from <under> to <authority> and insert <resident in the area of the authority who are under school age and have not commenced attendance at a primary school>

Dr Alasdair Allan

- 4 In section 6, page 4, line 20, leave out <under school age> and insert <who are under school age and have not commenced attendance at a primary school>

Dr Alasdair Allan

- 27 In section 10, page 7, line 34, leave out <under school age> and insert <who are under school age and have not commenced attendance at a primary school>

Dr Alasdair Allan

- 35 In section 16, page 11, line 14, leave out from first <Part> to end of line and insert <this Part,>

Dr Alasdair Allan

- 36 In section 16, page 11, leave out line 20

Dr Alasdair Allan

- 37 In section 16, page 11, line 25, leave out from beginning to <section> in line 26 and insert—

<() In this Part—

“area”, in relation to an education authority, is (except where the context otherwise requires) to be construed in accordance with section 135(1) of the 1980 Act>

Dr Alasdair Allan

- 38 In section 16, page 11, leave out lines 27 to 29

Dr Alasdair Allan

- 39 In section 16, page 11, line 38, leave out from <other> to end of line 5 on page 12

Dr Alasdair Allan

- 40 In section 16, page 12, line 8, at end insert—

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<“primary education” is to be construed in accordance with section 135(2) of the 1980 Act but does not include—

- (a) early learning and childcare the availability of which an education authority is required to secure under section 47(1) of the Children and Young People (Scotland) Act 2014, and
- (b) any school education that an education authority is enabled to secure the provision of under section 1(1C) of the 1980 Act,

“primary school” is to be construed in accordance with section 135(2) of the 1980 Act but does not include a nursery school or nursery class (within the meaning of section 135(1) of that Act),>

Initial assessment of requests for Gaelic medium education: factors to be considered and conditions determining next step

Dr Alasdair Allan

- 5 In section 7, page 4, line 35, leave out <in respect of children in different year groups> and insert <from parents of children—
- (i) who are resident in the GMPE assessment area, and
 - (ii) who are in a different year group in relation to the specified child>

Mary Scanlon

- 140 In section 7, page 4, line 38, 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.>

Dr Alasdair Allan

- 6 In section 7, page 5, line 1, leave out <conditions in subsection (6) are> and insert <condition in subsection (6) is>

Mary Scanlon

- 141 In section 7, page 5, line 1, leave out from third <the> to end of line 2 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,>

Dr Alasdair Allan

- 7 In section 7, page 5, line 3, leave out <those conditions are> and insert <that condition is>

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Dr Alasdair Allan

- 8 In section 7, page 5, line 5, leave out <conditions are> and insert <condition is>

Dr Alasdair Allan

- 9 In section 7, page 5, line 6, leave out <taken together,>

Dr Alasdair Allan

- 10 In section 7, page 5, leave out lines 8 and 9

Mary Scanlon

- 142 In section 7, page 5, line 9, 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.>

Dr Alasdair Allan

- 11 In section 7, page 5, line 11, leave out <paragraph (a) of>

Dr Alasdair Allan

- 12 In section 7, page 5, line 13, leave out <paragraph> and insert <subsection>

Mary Scanlon

- 144 In section 8, page 5, line 18, leave out <7(5)(a)> and insert <7(5)(a)(i)>

Mary Scanlon

- 145 In section 8, page 5, line 24, after <section> insert <7(5)(a)(ii) or>

Request for provision of Gaelic medium education: determination of demand threshold

Mary Scanlon

- 143 In section 7, page 5, line 10, leave out subsection (7) and insert—

<(7A) An education authority may resolve that the reference to the number “5” in subsection (6)(a) is, in the application of that subsection to that authority, to be read as such other number as is specified in the resolution.

(7B) An education authority may only make a resolution under subsection (7A) after it has carried out such consultation as it considers appropriate of—

(a) parents of—

(i) pupils at primary schools managed by the authority, and

(ii) children below school age resident in the authority’s area, and

(b) such other persons as it considers appropriate.>

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Initial assessment of requests for provision of Gaelic medium education: timescale for assessment and notification of decision

Dr Alasdair Allan

- 13 In section 8, page 5, line 32, leave out subsection (3)

Dr Alasdair Allan

- 14 In section 8, page 5, line 35, leave out <The> and insert <An education>

Dr Alasdair Allan

- 15 In section 8, page 5, line 35, leave out <4> and insert <6>

Dr Alasdair Allan

- 16 In section 8, page 5, line 36, leave out <the> and insert <a>

Dr Alasdair Allan

- 17 In section 8, page 5, line 36, after <send> insert <to the persons mentioned in subsection (4A)>

Dr Alasdair Allan

- 18 In section 8, page 5, line 37, leave out <and the reasons for it to—> and insert <,
() its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be,
subsection (2)(a), (b) or (c), and
() the reasons for its determination and decision.
(4A) The persons are—>

Dr Alasdair Allan

- 19 In section 8, page 6, line 1, leave out <The> and insert <An education>

Dr Alasdair Allan

- 20 In section 8, page 6, line 3, leave out <and the reasons for it,> and insert <,
() its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be,
subsection (2)(a), (b) or (c),
() the reasons for its determination and decision,>

Dr Alasdair Allan

- 21 In section 8, page 6, line 4, leave out <that> and insert <its>

Gaelic medium education: requests that need not be considered

Dr Alasdair Allan

- 22 In section 9, page 6, line 12, at beginning insert <in pursuance of the original request,>

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Dr Alasdair Allan

- 23 In section 9, page 6, leave out lines 14 to 16

Mary Scanlon

- 146 In section 9, page 6, line 32, leave out subsection (4)

Full assessment of request for provision of Gaelic medium education: factors to be considered and basis of decision etc.

Dr Alasdair Allan

- 24 In section 10, page 7, line 17, at beginning insert <Subject to subsection (7A),>

Dr Alasdair Allan

- 25 In section 10, page 7, line 21, leave out from beginning to end of line 24

Dr Alasdair Allan

- 26 In section 10, page 7, line 25, leave out from <under> to end of line 27 and insert <by virtue of subsection (2)(d) before the end of the period of 4 weeks beginning with the day on which the views are sought,>

Dr Alasdair Allan

- 28 In section 10, page 8, leave out lines 7 and 8

Dr Alasdair Allan

- 29 In section 10, page 8, line 9, after first <to> insert <assign or>

Angus MacDonald

- 130 In section 10, page 8, leave out lines 13 to 20

Angus MacDonald

- 131 In section 10, page 8, line 20, at end insert—

<() the potential to develop or increase—

- (i) the use of the Gaelic language in the education authority's area, and
- (ii) the carrying out of activities relating to the Gaelic language in the authority's area.>

Dr Alasdair Allan

- 30 In section 10, page 8, line 20, at end insert—

<(7A) The education authority must decide to secure the provision of GMPE in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), the authority considers that it would be unreasonable to do so.>

Dr Alasdair Allan

- 31 In section 10, page 8, line 22, leave out <or subsection (7)>

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Dr Alasdair Allan

- 32 In section 10, page 8, line 22, at end insert—
- <() modify subsection (6) so as to amend, remove or add to the matters for the time being mentioned in that subsection,>

Dr Alasdair Allan

- 33 In section 11, page 8, line 30, after <decision> insert <with reference to—
- (i) each of the matters mentioned in section 10(6), and
 - (ii) its duty under section 10(7A)>

Speech, language and communication development needs of children in Gaelic medium education

Mary Scanlon

- 147 In section 10, page 8, line 9, at end insert—
- <() the potential to assign or recruit persons to provide services to support the speech, language and communication development needs of children in relation to GMPE in the GMPE assessment area,>

Mary Scanlon

- 148 In section 12, page 9, line 26, at end insert—
- <() provide that in carrying out an assessment of the need for Gaelic medium education in response to a request under section 5(1), an education authority must have regard to the potential to assign or recruit persons to provide services to support the speech, language and communication development needs of children in relation to GMPE in the GMPE assessment area,>

Mary Scanlon

- 149 In section 13, page 10, line 24, after <resources> insert <(including services to support pupils' speech, language and communication development needs)>

Ability to appeal against decision not to provide Gaelic medium primary education

Rhoda Grant

- 132 In section 11, page 9, line 8, at end insert—
- <(8) Where the authority decides not to secure the provision of GMPE in the GMPE assessment area, a person to whom the authority is required to send a copy of the report under subsection (3) may appeal to the Scottish Ministers against that decision.
 - (9) The Scottish Ministers must by regulations make provision about appeals under subsection (8).
 - (10) Regulations under subsection (9) may in particular—

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- (a) provide that the function of determining an appeal under subsection (8) is to be performed on the Scottish Ministers' behalf by such other person as may be specified in the regulations,
- (b) make provision for or in connection with—
 - (i) the procedure to be followed in connection with appeals,
 - (ii) time limits within which appeals are to be brought,
 - (iii) circumstances in which appeals may not be brought,
 - (iv) factors to be taken into account in the determination of an appeal,
 - (v) the steps to be taken by an education authority following the determination of an appeal.>

Rhoda Grant

- 134 In section 25, page 15, line 36, after <1(3)(b)> insert <or 11(9)>

Power to extend Part 2 to early learning and childcare

Dr Alasdair Allan

- 34 In section 12, page 9, line 14, leave out <enable> and insert <require>

Rights under Education (Additional Support for Learning) (Scotland) Act 2004: children to whom rights extended, definition of capacity, role of education authority and Tribunal in relation to assessing capacity and determining whether rights can be exercised (including in relation to young people) etc.

Liam McArthur

- 150 In section 17, page 12, line 14, after <of> insert <the Age of Legal Capacity (Scotland) Act 1991 and>

Liam McArthur

- 151 In the schedule, page 17, 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

- 152 In the schedule, page 17, line 8, leave out from beginning to end of line 29 and insert—

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<() 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.>

Dr Alasdair Allan

41 In the schedule, page 17, line 8, leave out <or young person>

Dr Alasdair Allan

42 In the schedule, page 17, line 9, leave out <or young person>

Dr Alasdair Allan

43 In the schedule, page 17, line 10, leave out <or young person>

Dr Alasdair Allan

44 In the schedule, page 17, line 12, leave out <or young person>

Dr Alasdair Allan

45 In the schedule, page 17, line 13, leave out <or young person>

Dr Alasdair Allan

46 In the schedule, page 17, line 17, leave out <or young person>

Dr Alasdair Allan

47 In the schedule, page 17, line 22, leave out from first <or> to second <person> and insert <, if the child>

Dr Alasdair Allan

48 In the schedule, page 17, line 25, leave out <or young person>

Dr Alasdair Allan

49 In the schedule, page 17, line 28, leave out <or young person>

Dr Alasdair Allan

50 In the schedule, page 17, line 30, leave out from <subsection> to end of line 38 and insert <this Act, a young person lacks capacity to do something if the young person does not have sufficient understanding to do it.>

Liz Smith

50A As an amendment to amendment 50, line 2, leave out from <to> to the end 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—
 - (i) to make the decision,
 - (ii) to communicate the decision,

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- (iii) to understand the decision and its implications for the young person, and
- (iv) to 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

153 In the schedule, page 18, line 5, leave out from beginning to end of line 12 on page 19

Dr Alasdair Allan

51 In the schedule, page 18, line 6, leave out <and young persons>

Dr Alasdair Allan

52 In the schedule, page 18, line 14, leave out <or young person>

Dr Alasdair Allan

53 In the schedule, page 18, line 15, leave out <or young person>

Dr Alasdair Allan

54 In the schedule, page 18, line 17, leave out <or young person>

Dr Alasdair Allan

55 In the schedule, page 18, line 18, leave out <or young person>

Dr Alasdair Allan

56 In the schedule, page 18, line 20, leave out <or young person>

Dr Alasdair Allan

57 In the schedule, page 18, line 21, leave out <or young person>

Dr Alasdair Allan

58 In the schedule, page 18, line 23, leave out <, young person>

Dr Alasdair Allan

59 In the schedule, page 18, line 25, leave out <or young person>

Dr Alasdair Allan

60 In the schedule, page 18, line 26, leave out <or young person>

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Dr Alasdair Allan

- 61 In the schedule, page 18, line 28, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

- 62 In the schedule, page 18, line 28, leave out <or young person>

Dr Alasdair Allan

- 63 In the schedule, page 18, line 29, leave out <or young person>

Dr Alasdair Allan

- 64 In the schedule, page 18, line 33, leave out <or young person>

Dr Alasdair Allan

- 65 In the schedule, page 18, line 34, leave out <or young person>

Dr Alasdair Allan

- 66 In the schedule, page 18, line 35, leave out <is not in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

- 67 In the schedule, page 18, line 35, leave out <or young person>

Dr Alasdair Allan

- 68 In the schedule, page 18, line 36, leave out <or young person>

Dr Alasdair Allan

- 69 In the schedule, page 18, line 37, leave out <, young person>

Dr Alasdair Allan

- 70 In the schedule, page 19, line 1, leave out <is in the child's best interests> and insert <would adversely affect the wellbeing of the child>

Dr Alasdair Allan

- 71 In the schedule, page 19, line 5, leave out <is in the child's best interests> and insert <would adversely affect the wellbeing of the child>

Dr Alasdair Allan

- 72 In the schedule, page 19, leave out lines 7 to 12

Dr Alasdair Allan

- 73 In the schedule, page 19, line 12, at end insert—

<3AA Assessment of wellbeing

- (1) Subsection (2) applies where, by virtue of this Act, an education authority or Tribunal is required to consider whether the wellbeing of a child who has attained the age of 12 years would, or would not, be adversely affected.

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- (2) The authority or, as the case may be, Tribunal is to consider the matter by reference to the extent to which the child is or would be—
- safe,
 - healthy,
 - achieving,
 - nurtured,
 - active,
 - respected,
 - responsible, and
 - included.
- (3) The Scottish Ministers may by regulations modify the list in subsection (2) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (4) Before making any regulations under subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.>

Liam McArthur

- 154** In the schedule, page 19, line 15, leave out from <attained> to <parents> in line 17 and insert <capacity,

(b) the right is one that is also exercisable (on the authority of the child) by a parent>

Liam McArthur

- 155** In the schedule, page 19, line 24, leave out from beginning to <child,”> in line 26 and insert—
- <() in subsection (3)—

(i) for paragraph (a) substitute—

“(a) in the case of a child who has capacity—

(i) the child, or

(ii) if the child has authorised a parent of the child to make the request on the child’s behalf, that parent,

(aa) in the case of a child who lacks capacity, the child’s parent,”,

(ii) in paragraph (b)(ii), the words “the authority are satisfied that” are repealed,>

Liam McArthur

- 156** In the schedule, page 19, line 31, leave out <(3)(aa)> and insert <(3)(a)(i)>

Dr Alasdair Allan

- 74** In the schedule, page 20, leave out line 4

Dr Alasdair Allan

- 75** In the schedule, page 20, line 7, leave out <or young person>

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Dr Alasdair Allan

76 In the schedule, page 20, line 11, leave out <or young person>

Dr Alasdair Allan

77 In the schedule, page 21, leave out line 1

Dr Alasdair Allan

78 In the schedule, page 21, leave out line 16

Dr Alasdair Allan

79 In the schedule, page 21, line 22, leave out from <, and> to end of line 23

Dr Alasdair Allan

80 In the schedule, page 21, line 25, leave out <(2)(b), in each of sub-paragraphs (i) and (ii)> and insert <(2)(b)(i)>

Dr Alasdair Allan

81 In the schedule, page 21, line 27, leave out <(6)(b), in each of sub-paragraphs (i) and (ii)> and insert <(6)(b)(i)>

Dr Alasdair Allan

82 In the schedule, page 22, line 3, leave out from <, and> to end of line 5

Dr Alasdair Allan

83 In the schedule, page 22, line 6, leave out paragraph 14

Dr Alasdair Allan

84 In the schedule, page 22, leave out lines 9 and 10

Dr Alasdair Allan

85 In the schedule, page 22, leave out lines 23 and 24

Liam McArthur

157 In the schedule, page 22, line 29, leave out from beginning to end of line 20 on page 23 and insert—

<() in paragraph (a) for the words “the parent of the child” substitute “who has capacity—

(i) the child, or

(ii) if the child has authorised a parent of the child to make the reference on the child’s behalf, that parent,” and

() after paragraph (a) insert—

“(aa) where the decision, failure or information relates to a child who lacks capacity, the parent of the child,” and

() after subsection (3)(e) insert—

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“(ea) a decision of an education authority in relation to any question of whether a child has capacity to exercise a right under this Act.”.>

Dr Alasdair Allan

86 In the schedule, page 22, line 31, leave out from <and> to end of line 33

Dr Alasdair Allan

87 In the schedule, page 22, line 37, leave out from first <in> to <interests> and insert <whose wellbeing would, in the opinion of the Tribunal, not be adversely affected were the child>

Dr Alasdair Allan

88 In the schedule, page 22, line 39, leave out from beginning to end of line 2 on page 23

Dr Alasdair Allan

89 In the schedule, page 23, line 6, leave out from <or> to end of line 7

Dr Alasdair Allan

90 In the schedule, page 23, line 9, leave out <best interests> and insert <wellbeing>

Dr Alasdair Allan

91 In the schedule, page 23, line 9, leave out <or young person>

Dr Alasdair Allan

92 In the schedule, page 23, line 11, at end insert—

<“(7A) For the purposes of subsection (7), it is irrelevant whether the further reference, and the last reference, mentioned in that subsection relate to the same or to different specified schools (which expression is to be construed in accordance with paragraph 2(3) of schedule 2).

(7B) Nothing in subsection (7) prevents a further reference being made during the period mentioned in that subsection if the last reference so mentioned is, by virtue of rules under paragraph 11 of schedule 1, withdrawn before any hearing by a Tribunal in relation to the last reference is held.

(7C) But where a further reference is made in the circumstances mentioned in subsection (7B), the President may, if satisfied that there is good reason to do so, decide that the reference is not to proceed to consideration by a Tribunal.>

Dr Alasdair Allan

93 In the schedule, page 23, line 15, leave out <(3)(ea)(i) or (as the case may be) (ii)> and insert <(3)(ea)>

Dr Alasdair Allan

94 In the schedule, page 23, line 30, leave out from <, and> to end of line 31

Dr Alasdair Allan

95 In the schedule, page 23, line 36, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

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Dr Alasdair Allan

- 97 In the schedule, page 23, line 39, at end insert—
<In section 29 (interpretation)—
(a) in subsection (1), after the definition of “Tribunal” insert—
 ““young person” means a person who—
 (a) is aged 16 years or over,
 (b) is a pupil at a school, and
 (c) has, since attaining the age of 16 years or over, remained a pupil at that or another school.”,
(b) in subsection (2), the words ““young person”” are repealed.>

Dr Alasdair Allan

- 99 In the schedule, page 25, line 3, after <alone> insert <and without holding a hearing>

Dr Alasdair Allan

- 100 In the schedule, page 25, line 6, at end insert <or>

Dr Alasdair Allan

- 101 In the schedule, page 25, leave out line 7

Dr Alasdair Allan

- 102 In the schedule, page 25, line 8, leave out <is in the best interests> and insert <would adversely affect the wellbeing>

Dr Alasdair Allan

- 103 In the schedule, page 25, line 9, leave out from <or> to end of line 10 and insert—
 <(kc) the practice and procedure relating to matters that may be determined by a convener alone by virtue of paragraph (kb),
 (kd) applying (with such modifications as may be specified) section 19(2) to a convener determining a matter by virtue of paragraph (kb) as that section applies to a Tribunal,”, and
() in paragraph (v), after “Tribunal” where it second occurs, insert “, or a convener alone following a determination mentioned in paragraph (kb).”.>

Collection of data on additional support needs

Dr Alasdair Allan

- 96* In the schedule, page 23, line 39, at end insert—
<In section 27A (collection of data on additional support needs), for subsection (1) substitute—

THIS IS NOT THE MARSHALLED LIST

- “(1) The Scottish Ministers must each year collect from each education authority such information as is specified in regulations made by the Scottish Ministers relating to children and young persons having additional support needs for whose school education the authority is responsible.
- (1A) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.”>

Rights under Education (Additional Support for Learning) (Scotland) Act 2004: provision of support service for children

Liam McArthur

158 In the schedule, page 24, line 41, at end insert—

<31B Support service: further provision

- (1) The Scottish Ministers must 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 make provision for the services to be provided to children who have attained the age of 12 years old, and to their parents, by the support service established under section 31A.
- (3) Regulations under subsection (1) may in particular make provision for—
- (a) the date on which the support service will come into being,
 - (b) the date on which services provided by the support service will be made available,
 - (c) who is to manage the support service,
 - (d) who is responsible for the delivery of services through the support service,
 - (e) the type of support to be made available through the support service,
 - (f) how to access services through the support service.
- (4) Regulations under subsection (1) must be made no later than 12 months after the day of Royal Assent.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.>

Power to seek views of children in relation to references to Tribunal

Dr Alasdair Allan

98 In the schedule, page 25, line 1, leave out <after paragraph 11(2)(ka)> and insert <in paragraph 11(2)—

() after paragraph (f) insert—

“(fa) seeking the views of children whose parents have made references to a Tribunal under section 18(1) in relation to the children,” and

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() after paragraph (ka)>

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