

*These notes relate to the Education (Additional Support for Learning)  
(Scotland) Act 2004 (asp 4) which received Royal Assent on 7 May 2004*

# **EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 5 – General functions of education authority in relation to additional support needs***

11. This section specifies the general duties on education authorities to take account of the additional support needs of children and young people when providing school education. Subsections (2) and (3) oblige an education authority to provide additional support to disabled children in their area, who are under 5 years old and not in pre-school education, where such children have been referred to the authority by a health board and it is established that they do have additional support needs.
12. In addition, subsection (4) enables education authorities to assist other children and young people with additional support needs for whose school education they are not responsible. This means children and young people being educated at home or at an independent school or pre-school centre, under arrangements made by their parents, can be helped by an education authority, but the authority are not under a duty to do so. It also includes children under the age of 3 who are not disabled, but who have additional support needs.