



# Education (Additional Support for Learning) (Scotland) Act 2004

## 2004 asp 4

### *Mediation and dispute resolution*

#### **16 Dispute resolution**

- (1) The Scottish Ministers may by regulations make provision about the resolution of disputes between any education authority and—
- (a) the parent of any child <sup>F1</sup>...,
  - [<sup>F2</sup>(aa) any child who has attained the age of 12 years and who the authority is satisfied has capacity as respects views or decisions relating to the purposes of resolving such disputes,]
  - (b) any young person <sup>F3</sup>..., or
  - (c) in relation to any <sup>F4</sup>...young person who lacks capacity to express a view or make a decision for the purposes of resolving such disputes, the young person's parent,
- concerning the exercise by the authority of any of their functions under this Act in relation to the child or young person.
- (2) Regulations under subsection (1) may, in particular, make provision—
- [<sup>F5</sup>(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,]
  - (a) requiring education authorities to establish a procedure in accordance with the regulations for the resolution of such disputes,
  - (b) applying to all such disputes or only to such descriptions of such disputes as may be specified in the regulations.
- (3) However, such regulations, and any provision made in pursuance of such regulations—
- (a) must not require any parent [<sup>F6</sup>, child] or young person—
    - (i) to use any procedure established in accordance with the regulations for the resolution of any dispute with an education authority, or
    - (ii) to pay any fee or charge for using any such procedure, and

---

**Changes to legislation:** There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 16. (See end of Document for details)

---

- (b) do not affect the entitlement of any parent [<sup>F7</sup>, child] or young person to refer any matter to [<sup>F8</sup>the First-tier Tribunal] .

#### Textual Amendments

- F1** Words in s. 16(1)(a) repealed (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 3(a)**, 26(3); S.S.I. 2010/277, art. 2
- F2** S. 16(1)(aa) inserted (1.8.2017) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 15(a)**; S.S.I. 2017/164, reg. 2, sch.
- F3** Words in s. 16(1)(b) repealed (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 3(b)**, 26(3); S.S.I. 2010/277, art. 2
- F4** Word in s. 16(1)(c) repealed (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 3(c)**, 26(3); S.S.I. 2010/277, art. 2
- F5** S. 16(2)(za) inserted (2.4.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 12**, 26(3); S.S.I. 2010/129, art. 2(b)
- F6** Word in s. 16(3)(a) inserted (1.8.2017) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 15(b)**; S.S.I. 2017/164, reg. 2, sch.
- F7** Word in s. 16(3)(b) inserted (1.8.2017) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 15(b)**; S.S.I. 2017/164, reg. 2, sch.
- F8** Words in s. 16(3)(b) substituted (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 3(6)**

#### Commencement Information

- I1** S. 16 in force at 18.5.2005 for specified purposes by S.S.I. 2005/263, art. 2, **Sch.**
- I2** S. 16 in force at 14.11.2005 in so far as not already in force by S.S.I. 2005/564, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 16.