



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

2004 asp 4

Appeals

19 Powers of Tribunal in relation to reference

- (1) This section specifies the powers of a Tribunal in relation to a reference made under section 18.
- (2) Where the reference relates to a decision referred to in subsection (3)(a), (b) or (d)(iv) of that section, the Tribunal may—
 - (a) confirm the decision, or
 - (b) overturn the decision and require the education authority to take such action as the Tribunal considers appropriate by such time as the Tribunal may require.
- (3) Where the reference relates to a failure referred to in subsection (3)(c) or (d)(ii) or (iii) of that section, the Tribunal may require the education authority to take such action to rectify the failure as the Tribunal considers appropriate by such time as the Tribunal may require.
- (4) Where the reference relates to information referred to in subsection (3)(d)(i) of that section, the Tribunal may—
 - (a) confirm the information, or
 - (b) require the education authority to make such amendment of the information as the Tribunal considers appropriate by such time as the Tribunal may require.
- (5) Where the reference relates to a decision referred to in subsection (3)(e) of that section, the Tribunal may—
 - (a) confirm the decision if satisfied that—
 - (i) one or more of the grounds of refusal specified in paragraph 3(1) or (3) of schedule 2 exists or exist, and
 - (ii) in all the circumstances it is appropriate to do so,
 - (b) overturn the decision and require the education authority to—
 - (i) place the child or young person in the school specified in the placing request to which the decision related, and

Status: This is the original version (as it was originally enacted).

- (ii) make such amendments to the co-ordinated support plan prepared for the child or young person as the Tribunal considers appropriate by such time as the Tribunal may require, or
 - (c) where—
 - (i) the decision was referred to the Tribunal by virtue of the application of subsection (4)(c) of that section, and
 - (ii) the Tribunal has confirmed the decision of the education authority that the child or young person does not require a co-ordinated support plan,refer the decision to an appeal committee set up under section 28D of the 1980 Act.
- (6) Paragraphs 6 and 7 of schedule 2 apply to a reference made to an appeal committee under subsection (5)(c) as they apply to a reference made to an appeal committee under paragraph 5 of that schedule.
- (7) In exercising its powers under this section, a Tribunal must take account, so far as relevant, of any code of practice published by the Scottish Ministers under section 27(1).