



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

2004 asp 4

General

28 Requests under this Act: further provision

- (1) References in this Act to a “request” are to a request which—
- (a) is in—
 - (i) writing, or
 - (ii) another form which, by reason of its having some permanence, is capable of being used for subsequent reference (as, for example, an audio or video recording), and
 - (b) contains a statement of the reasons for making the request.
- (2) Where an education authority decide not to comply with any request made to them under this Act, the authority must—
- (a) inform the person who made the request of that decision,
 - (b) in so doing, give reasons for the decision,
 - (c) except where the request was of the type specified in section 7(2)(b), provide the person who made the request with information as to—
 - (i) the mediation services provided in pursuance of arrangements made by the authority under section 15(1), and
 - (ii) any procedures for the resolution of disputes established by the authority in pursuance of any regulations under section 16,
 - (d) where the request was made under section 6(2)(b) or 10(4), inform the person who made the request of the right under section 18(1) to refer the decision to [^{F1}the First-tier Tribunal], and
 - (e) where the request was a placing request, inform the person who made the request of—
 - (i) the right under paragraph 5 of schedule 2 to refer the decision to an appeal committee, or
 - (ii) the right under section 18(1) to refer the decision to [^{F2}the First-tier Tribunal],(as appropriate).

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 28. (See end of Document for details)

Textual Amendments

- F1** Words in s. 28(2)(d) 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(12)(a)**
- F2** Words in s. 28(2)(e)(ii) 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(12)(b)**
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Commencement Information

- I1** S. 28 in force at 14.11.2005 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 28.