

*These notes relate to the Education (Additional Support for Learning) (Scotland) Act (asp 7) which received Royal Assent on 25 June 2009 (asp 7) which received Royal Assent on 25 June 2009*

# **EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT (ASP 7) WHICH RECEIVED ROYAL ASSENT ON 25 JUNE 2009**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### ***Section 9: Functions of education authority in relation to certain pre-school children with additional support needs***

42. Section 5 of the 2004 Act requires an education authority to provide additional support to certain disabled pre-school children in their area, normally those who are under 3 years old. This duty applies where such children have been brought to the attention of the education authority by an NHS Board as having, or appearing to have, additional support needs arising from a disability within the meaning of the Disability Discrimination Act 1995. Section 9 broadens the persons who have the ability to bring such a child to the attention of the authority to enable any organisation or person (including a parent) to undertake this role. Section 9 also provides that the duty to provide such children with additional support will not apply in cases where the child's parent does not give his or her consent.