



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 12

#### CHILDREN'S HEARINGS: GENERAL

##### *Referral where failure to provide education for excluded pupil*

#### **127 Referral where failure to provide education for excluded pupil**

- (1) This section applies where it appears to a children's hearing that—
  - (a) an education authority has a duty under section 14(3) of the Education (Scotland) Act 1980 (c.44) (education authority's duty to provide education for child excluded from school) in relation to the child to whom the children's hearing relates, and
  - (b) the authority is failing to comply with the duty.
- (2) The children's hearing may require the National Convener to refer the matter to the Scottish Ministers.
- (3) If a requirement is made under subsection (2), the National Convener must—
  - (a) make a referral to the Scottish Ministers, and
  - (b) give a copy of it to the education authority to which it relates and the Principal Reporter.