



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

2004 asp 4

## *General powers and duties*

### **4 Duties of education authority in relation to children and young persons for whom they are responsible**

- (1) Every education authority must—
  - (a) in relation to each child and young person having additional support needs for whose school education the authority are responsible, make adequate and efficient provision for such additional support as is required by that child or young person, and
  - (b) make appropriate arrangements for keeping under consideration—
    - (i) the additional support needs of, and
    - (ii) the adequacy of the additional support provided for, each such child and young person.
- (2) Subsection (1)(a) does not require an education authority to do anything which—
  - (a) they do not otherwise have power to do, or
  - (b) would result in unreasonable public expenditure being incurred.

### **5 General functions of education authority in relation to additional support needs**

- (1) Every education authority must in exercising any of their functions in connection with the provision of school education, take account of the additional support needs of children and young persons having such needs.
- (2) Every education authority must, subject to subsection (3), provide such additional support as is appropriate for each child—
  - (a) under school age (other than a prescribed pre-school child),
  - (b) belonging to the authority's area, and
  - (c) who has additional support needs arising from a disability (within the meaning of the Disability Discrimination Act 1995 (c. 50)) which the child has.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The duty in subsection (2) applies only where the authority has established, in pursuance of section 7(5) of this Act, that the child has the additional support needs referred to in subsection (2)(c) following the child having been brought to the authority's attention as having or appearing to have such needs by a Health Board.
- (4) An education authority may provide such additional support as is appropriate for children (other than children to whom the education authority have a duty under subsection (2)) and young persons belonging to the area of the authority—
  - (a) having additional support needs, but
  - (b) for whose school education the authority are not responsible.