



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

## 2004 asp 4

### *Supporters and advocacy*

#### **14 Supporters and advocacy**

- (1) Where, in connection with the exercise of an education authority's functions under this Act in relation to any child or young person, the relevant person wishes—
- (a) to have another person (referred to as a “supporter”) present at any discussions with the authority for the purpose of supporting the relevant person in the course of those discussions, or
  - (b) another person (referred to as an “advocate”) to—
    - (i) conduct such discussions or any part of them, or
    - (ii) make representations to the authority,on the relevant person's behalf,
- the education authority must comply with the relevant person's wishes, unless the wishes are unreasonable.
- (2) In subsection (1), “the relevant person” means—
- (a) in the case of a child, the child's parent,
  - [<sup>F1</sup>(aa) in the case of a child who has attained the age of 12 years and who the authority is satisfied has capacity in relation to discussions or representations as mentioned in subsection (1), the child,]
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) if the authority are satisfied that the young person lacks capacity to participate in discussions or make representations as referred to in subsection (1), the young person's parent.
- (3) Nothing in subsection (1) is to be read as requiring an education authority to provide or pay for a supporter or advocate.

*Status: Point in time view as at 10/01/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Cross Heading: Supporters and advocacy. (See end of Document for details)*

#### Textual Amendments

- F1** S. 14(2)(aa) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), s. 33(2), [sch. para. 13](#); [S.S.I. 2017/354](#), reg. 2(a)

#### Commencement Information

- II** S. 14 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

### [<sup>F2</sup>14A Provision of advocacy service: Tribunal

- (1) The Scottish Ministers must, in respect of Tribunal proceedings, secure the provision of an advocacy service to be available on request and free of charge to the persons mentioned in subsection (2).
- (2) The persons are—
  - (a) in the case of a child, the child's parent,
  - (b) in the case of a young person—
    - (i) the young person, or
    - (ii) where the young person lacks capacity to participate in discussions or make representations of the type referred to in subsection (3), the young person's parent.
- (3) In subsection (1) “ advocacy service ” means a service whereby another person conducts discussions with or makes representations to the Tribunal or any other person involved in the proceedings on behalf of a person mentioned in subsection (2). ]

#### Textual Amendments

- F2** S. 14A inserted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), [ss. 10](#), 26(3); [S.S.I. 2010/277](#), art. 2

**Status:**

Point in time view as at 10/01/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Cross Heading: Supporters and advocacy.