

EDUCATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Gaelic Medium Education

Assessments: primary education

Section 9: Initial assessments

33. Subsection (1) states that this section applies where an education authority receives a parental request under section 7(1). Subsection (2) further explains that, on receipt of such a request, an education authority must make an initial assessment of the need for GMPE in relation to the designated GMPE assessment area and the year group of the child specified in the request.
34. Subsections (3) and (4) state that, in making an initial assessment, an education authority must take into account any information it holds - including any information contained in the parental request - that relates to the demand for GMPE in the designated GMPE assessment area from parents of children resident in that area and who are in either the same or a different year group as the child specified in the request, provided that the children in those year groups are under school age (see the definition of “year group” in subsection (4) of section 7).
35. Subsection (5) provides that, following an initial assessment, an education authority must decide that there is a potential need for GMPE in the GMPE assessment area if it is satisfied that the condition in subsection (6) is met. If an education authority is not satisfied that that condition is met, the authority must decide that there is no potential need for GMPE in that area. The condition in subsection (6) is that the child specified in the request and the children resident in that GMPE assessment area who are in the same year group as the specified child and in respect of whose parents the authority holds information about demand as mentioned in section 9(3)(a), total 5 or more in number.
36. Subsection (7) gives the Scottish Ministers the power to amend subsection (6) by regulations so as to substitute a different total number of children. The Scottish Ministers may exercise this power so that a different number applies in different education authority areas. These regulations are subject to the affirmative procedure.
37. Subsection (8) highlights that this section is subject to section 11 (which explains the circumstances in which there is no duty on an education authority to undertake an initial assessment following receipt of a parental request).