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*Changes to legislation: Education (Scotland) Act 2016, Paragraph 23 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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SCHEDULE  
MODIFICATIONS OF THE EDUCATION (ADDITIONAL  
SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

23 After section 31 insert—

**“31A Provision of support service**

- (1) The Scottish Ministers must secure the provision of a support service to be available, on request and free of charge, to children who have attained the age of 12 years and—
  - (a) who wish to exercise, or are considering exercising, relevant rights, or
  - (b) whose parents wish to exercise, or are considering exercising, relevant rights.
- (2) In this section, “a support service” means a service under which—
  - (a) advice (including legal advice), assistance and information in relation to relevant rights are provided to children mentioned in subsection (1),
  - (b) a person is provided to be present at any discussions with an education authority in relation to the relevant rights of such a child for the purpose of supporting the child (where the child wishes such a person to be present),
  - (c) a person is provided to conduct such discussions (or any part of them), or make representations to an education authority, on behalf of such a child (where the child wishes such a person to be provided), and
  - (d) an advocacy service (within the meaning of subsection (3) of section 14A) is provided to such children (the reference in that subsection to persons mentioned in subsection (2) being read as if such children were mentioned in that subsection).
- (3) Subsection (4) applies where—
  - (a) a child, or parent, as mentioned in subsection (1) wishes to exercise, or is considering exercising, relevant rights, or
  - (b) some other thing is done, or proposed to be done, under this Act by or in relation to such a child.
- (4) Any person providing a support service under this section may seek the views of the child as respects—
  - (a) the exercise of the relevant rights, or
  - (b) the doing, or proposed doing, of the thing.
- (5) In this section, “relevant rights”—
  - (a) in relation to a child who has attained the age of 12 years, means any rights conferred by or under this Act on such children, and includes the right—
    - (i) to receive any document or information, and
    - (ii) to give consent in relation to any matter, and
  - (b) in relation to the parents of such a child, means any rights conferred on the parents by or under this Act.”.

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#### Commencement Information

**II** Sch. para. 23 in force at 10.1.2018 by S.S.I. 2017/354, reg. 2(a)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I.2017/164, sch. by [S.S.I. 2017/352 reg. 2](#)