

Date	Pupil/Case	Council	Duty alleged failure	Complaint outcome
12 May 2010	Hyndland & Brownhill Primary School	Glasgow City Council	Failure of duties under section 14(2) of the Scottish Schools Parental Involvement Act 2006 ("the 2006 Act") and regulation 4 of the Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations ("the 2007 Regulations").	Upheld. Order issued under section 70.
9 March 2011	[Redacted: s.38(1)(b)]	Inverclyde Council	Education duties in respect of sections 2(1), 5(1), 5(2) and 5(4) of the 2000 Act and section 1(1) of the 1980 Act.	Not upheld
10 March 2011	<p>1. [Redacted: s.38(1)(b)]</p> <p>2. [Redacted: s.38(1)(b)]</p> <p>3. [Redacted: s.38(1)(b)]</p> <p>4. [Redacted: s.38(1)(b)] –</p> <p>Rothesay Joint Campus</p>	Argyll and Bute Council.	<p><b>1.</b> Sections 10(2) and 11(5) of the Education (Additional Support for Learning) (Scotland) Act 2004</p> <p><b>2.</b> Section 13 of the Education (Additional Support for Learning) (Scotland) Act 2004</p> <p><b>3.</b> Section 1(1) of the Education (Scotland) Act 1980 and Section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004</p> <p>Section 13 of the Education (Additional Support for Learning) (Scotland) Act 2004</p> <p>Section 12(2)(b) of the Education (Additional support for Learning) (Scotland) Act 2004 and Section 12(1) Scottish Schools (Parental Involvement) Act 2006</p>	Not upheld

			<p>4. Section 1 (1) of the Education (Scotland) Act 1980 and Section 4 (1) of the Education (Additional Support for Learning) (Scotland) Act 2004</p> <p>Section 10(2) and section 11(5)(a) of the Education (Additional Support for Learning) (Scotland) Act 2004</p>	
10 March 2011	[Redacted: s.38(1)(b)]	Argyll and Bute Council	<p>Section 4(1) (a) and (b) of the Education (Additional Support for Learning) (Scotland) – upheld</p> <p>Section 1 (1) of the Education (Scotland) Act 1980 – not upheld</p> <p>Section 13 of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) - not upheld</p>	Partially upheld (as detailed). Order issued under section 70.
1 September 2011	[Redacted: s.38(1)(b)]	Falkirk Council	<p>Failure to make adequate and efficient provision for such additional support as is required</p> <p>Scottish Schools (Parental Involvement) Act 2006 (s. 1(2)(a)): Failure to promote the involvement of parents</p>	Not upheld
17 September 2013	Parent Council Edinbane Nursery	Highland Council	Schools (Consultation) (Scotland) Act 2010 (the 2010 Act)	Not upheld
11 March 2015	[Redacted: s.38(1)(b)]	Highland Council	<p>Section 1 of the Standards in Scotland's Schools etc. Act 2000 (the right of every school child to an education).</p> <p>Section 2 of the Standards in Scotland's Schools etc. Act 2000 (education provided should develop personality, talents, and mental and physical capabilities of the child or young person to their fullest potential).</p>	Not upheld

			Section 1 Subsection 1 of the Education (Scotland) Act 1980 (duty of the Education Authority to secure that there is for their area adequate and efficient provision of school education).	
1 May 2015	Merrylee Primary School (and others)	Glasgow City Council	Schools (Consultation) (Scotland) Act 2010 ('the 2010 Act'), to amend the catchment areas for Merrylee, Crofffoot, Battlefield and Mount Florida Primary Schools, King's Park and Hillpark Secondary Schools and Shawlands Academy.	Not upheld
4 June 2015	[Redacted: s.38(1)(b)]	Aberdeenshire Council	Duties at Section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 ("the 2004 Act	Not upheld
1 February 2017	[Redacted: s.38(1)(b)]	Edinburgh City Council	Section 4 (1); section 5 (1); section 5 (2); 10 (1); 10(6) and section 12 (a) and (d) of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended).	Not upheld
23 February 2018	[Redacted: s.38(1)(b)]	Dollar Academy	Section 99 (1A) (aa) of the Education Scotland Act – that the welfare of a pupil attending the school is not adequately safeguarded and promoted there.	Not valid
9 November 2018	[Redacted: s.38(1)(b)]	Perth and Kinross Council	Section 4; section 6; section 7 and section 8; and section 12 of the Education (Additional Support for Learning) Act 2004 (as amended) (the 2004 Act).	Not upheld
17 June 2019	[Redacted: s.38(1)(b)]	Highland Council	Section 3B (1) and (2) of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) Section 2 (1) and (2) of Standards in Scotland's schools, etc. Act 2000 Section 1 (3A) (part 2) of the Education (Scotland) Act 2016	Not valid
17 June 2019	[Redacted: s.38(1)(b)]	West Dunbartonshire Council	Reg. 4 of the 2005 Regulations Right to Independent Adjudication	Not valid

11 October 2019	[Redacted: s.38(1)(b)]	South Ayrshire Council	Duty under section 3 of the 1980 Act by charging for the musical instrument lessons	Not upheld
10 December 2019	[Redacted: s.38(1)(b)]	Midlothian Council	Duties under the Education (Additional Support for Learning) Act 2004 (as amended), section 2(1) of the Standards in Scotland's Schools Act 2000 and the Education (Scotland) Act 1980.	Not valid
23 March 2021	[Redacted: s.38(1)(b)]	Comhairle nan Eilean Siar	Regulation 4 of the Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005 ("the 2005 Regulations").	Not upheld

Date	Pupil	Council	Duty alleged failed	Complaint outcome
01-Dec-06	██████████	Aberdeen City Council	"The education authority are thereby in default of their duties under s.4(1) (a) of the 2004 Act"	Reference Withdrawn by complainant
05-Feb-07	██████████	South Lanarkshire Council	"My complaint is built on the unacceptable delay by the Education Authority of South Lanarkshire Council in replying to my formal request in terms of section 6 of this Education (Additional Support for Learning) (Scotland) Act 2004" "Section 31 of the 2004 Act imposes a duty on an education authority to inform a parent in writing where a response is required." ASL 2004"	Invalid - no prima facie case for investigation
19-Sep-07	██████ ██████████	Western Isles Council	"It is clear that the Education Authority have failed to discharge the duty imposed on them by section s8(1) of the 2004 Act" "The powers of Scottish Ministers as regards dispute resolution are set out in Section 16 of the 2004 Act"	Invalid resolved at ASNTS
18-Oct-07	██████████	West Dunbartonshire Council	"It is clear that the Education Authority have failed to discharge the duty imposed on them by section s8(1) of the 2004 Act"	Complaint withdrawn by complainant
03-Dec-08	██████ ██████████	Western Isles Council	"This section 70 complaint is in relation to the Education Authority's failure to implement ██████'s Co-ordinated Support Plan in terms of Section 11(5)(b), (c), (d), and (e) of the Additional Support for Learning (Scotland) Act 2004."	Order made by Scottish Ministers
05-Dec-08	██████████	Highland Council	"In all cases the school sought to canvass support for their position without seeking permission from the parents. This represents a clear breach of s12.(2) (b) (i) and (ii)" "In all cases decisions were taken and procedures implemented without consultation with parents and carers. Again a breach of s.12 of the Act." "The Highland Council were unable to make adequate and efficient provision for some of the pupils leading them to be educated ██████ was a breach of s.4(1) (a) of the 2004 Act." "This was a breach of the duties set out in s.11(2) of the 2004 Act" "The highland Council did not respond to an application for independent adjudication in breach of s.16 of the 2004 Act"	Complaint upheld
02-Oct-08	██████████	North Lanarkshire Council	Not specified in complaint letter	Complaint not upheld
18-Apr-08	██████████	North Lanarkshire Council	"to be in default of their duty to make adequate and efficient provision for ██████'s additional support needs s.4, 2004 Act)" "Scottish Ministers are invited to: exercise their powers in terms of s.27(9) of the Education (Additional Support for Learning) (Scotland) Act to issue a specific direction to North Lanarkshire Council directing them to"	Complaint withdrawn by complainant

23-Apr-08	██████	Orkney Islands Council	"Orkney Islands Council have a duty in terms of Section 4 of the Education (Additional Support for Learning) Scotland) Act 2004 to make adequate and efficient provision for ████████'s additional support needs."	Complaint invalid
29-Apr-08	██████	Aberdeen City Council	"The complaint is against Aberdeen Council Education Authority for a failure of two matters arising from the (Additional Support for Learning) Scotland) Act 2004"	Complaint withdrawn by complainant
28-Apr-08	██████	Edinburgh City Council	"The complaint is in relation to the Education Authority's failure to discharge its duty in relation to section 8(1)(b) and Dispute resolution"	Complaint withdrawn – resolved at ASNTS
30-Apr-08	██████	Edinburgh City Council	"The complaint is in relation to the Education Authority's failure to discharge its duty in relation to section 8(1)(b) and Dispute resolution"	Complaint withdrawn resolved at ASNTS
08/12/2008	██████	Highland Council	<p>"The highland council in doing this failed in their duty under s12(2)(a), (b), (c) of the 2004 Act to take account of any relevant advice from appropriate agencies and information given on behalf of ████████"</p> <p>"In all cases the school sought to canvass support for their position without seeking permission from he parents. This represents a clear breach of s12.(2) (b) (i) and (ii)"</p> <p>"In all cases decisions were taken and procedures implemented without consultation with parents and carers. Again a breach of s.12 of the Act."</p> <p>"The Highland Council were unable to make adequate and efficient provision for some of the pupils leading them to being educated ████████ was a breach of s.4(1) (a) of the 2004 Act."</p> <p>"This was a breach of the duties set out in s.11(2) of the 2004 Act"</p> <p>"The highland Council did not respond to an application for independent adjudication in breach of s.16 of the 2004 Act"</p>	Scottish Ministers made order under section 70.
05/12/2008	██████	Highland Council	<p>"The Highland Council failed in their duty under s.4 of the Education (Additional Support for Learning) Act 2004 to provide adequate and efficient provision for the additional support that was required by their child"</p> <p>"In all cases the school sought to canvass support for their position without seeking permission from the parents. This represents a clear breach of s12.(2) (b) (i) and (ii)"</p> <p>"In all cases decisions were taken and procedures implemented without consultation with parents and carers. Again a breach of s.12 of the Act."</p> <p>"The Highland Council were unable to make adequate and efficient provision for some of the pupils leading them to being educated ████████ was a breach of s.4(1) (a) of the 2004 Act."</p> <p>"This was a breach of the duties set out in s.11(2) of the 2004 Act"</p> <p>"The highland Council did not respond to an application for independent adjudication in breach of s.16 of the 2004 Act"</p>	Complaint upheld
06-Mar-09	██████	Scottish	Not specified in complaint letter	Complaint withdrawn by

		Borders Council		complainant
08-Jun-09	[REDACTED]	Dundee City Council	<p>“Failure to allow a legitimate request for Independent Adjudication (regarding separate matters) on two occasions as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s16(1).”</p> <p>“Failure to start “transition planning” at the appropriate time (no later than 12 months before starting primary education) as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s13(6) &amp;(7)”</p> <p>“Failure to make a request for [REDACTED] with (known, or appearing to have) additional support needs in order to quantify the additional support [REDACTED] required as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s 6(1)(a)&amp;(b)”</p> <p>“Failure to request assessments from an appropriate agency when considering [REDACTED] for a Co-ordinated Support Plan as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s6(1)(a)&amp;(b) and (5)(b)”</p> <p>“Failure to ensure that additional assessments (requested by parents and then subsequently requested by [REDACTED] [REDACTED]) to an appropriate agency were carried out during the creation of [REDACTED]'s Co-ordinated Support Plan as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s 8(1) &amp; 23”</p> <p>“Failure to ensure adequate and efficient provision of [REDACTED] and [REDACTED] [REDACTED] within the Dundee City Council schools estate as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s 4(1)(a)&amp;(b)”</p> <p>“Failure to accept a legitimate placing request for a “Special School” run by Dundee City Council as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004s 22 &amp; Schedule 2”</p> <p>“Failure to implement a decision of the tribunal regarding the choice of curriculum to be used with [REDACTED] as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s19(4)(b)”</p> <p>“Failure to include the recommendations from an independent assessment report ... when reviewing [REDACTED] Co-ordinated Support Plan as stipulated in the Education (Additional Support for Learning) (Scotland) Act 2004 s12(2)(c)”</p>	Invalid

06-Aug-09	██████	North Lanarkshire Council	<p>“In terms of section 11(2)(b)(ii) of the 2004 Act, the Authority had a duty to inform ██████████ of ██████████ right under Section 18(1) of the 2004 Act, to make a reference to a Tribunal. The authority did not inform ██████████ of ██████████ rights and, as such, failed to discharge their duty under the Act”</p>	Scottish Minsters made order under section 70.
14-Dec-09	██████	Highland Council	<p>‘serious failing to comply with statutory duties, under the terms of section 27 of the Education (Additional Support for Learning (Scotland) Act 2004’</p> <p>“Section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004. Describes the duties of an education authority and states that every authority must make adequate and efficient provision for such additional support as is required by that. Furthermore, they must make arrangements in order to keep under consideration the child’s additional support needs and the adequacy of that support for the child.”</p> <p>“Under Section 30(4) of the Education (Additional Support for Learning) (Scotland) Act 2004, the education authority was put under a duty to ensure that the level of support provided for a previously Recorded Child after the 2004 was commenced, was no less than it was under the child’s Record of Needs. This was not evident form the actions of school staff.”</p> <p>“Under Section 30 of the Education (Additional Support for Learning) (Scotland) Act 2004, the education authority had a duty to establish within two years of the commencement of the 2004 Act, whether ██████████ as a ██████████ child , should be issued with a co-ordinated Support Plan (CSP). Furthermore, under the criteria laid out in Section 2 of the Education (Additional Support for Learning) (Scotland) Act 2004, ██████████ is clearly a child who should have had a Co-ordinated Support Plan drawn up”</p>	Complaint not upheld
21-Apr-10	████████	Highland Council	<p>“I believe that Highland Council have failed under some specific grounds with regard to the Education (Additional Support for Learning) (Scotland) Act 2004, for example, under Sections 2, 4, and 5.”</p>	Complaint withdrawn by complainant
23-Sep-10	████████	Western Isles Council	<p>“Appeared to fail to abide by their responsibilities under Section 4 of the Education (Support for Learning) Act 2004”</p>	Complaint withdrawn by complainant
2- Dec-10	████████r	Glasgow City Council	<p>████████ requests a finding that Glasgow City Council have failed in the following duties: The duty to make adequate and efficient provision for ██████████’s additional support needs under s.4 of the Education (Additional Support for Learning) (Scotland) Act 2004, in particular when read with s.1(2) of the same act which states that additional support is support which is required in order to benefit from school education which is directed to the development of the personality, talents</p>	Complaint withdrawn by complainant



			and mental and physical abilities of the child to their fullest potential.”	
9 Mar-11	██████	Highland Council	Highland Council are in breach of the following educational duties: Section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 in that the Highland Council have failed to make adequate and efficient provision for such additional support as is required”	Complaint not upheld
15 Apr 11	██████	Scottish Borders Council	<p>“Section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended. The complainant alleges that Scottish Borders Council have failed to make adequate and efficient provision for ████████'s additional support needs.”</p> <p>“Section 2 of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended. The complainant alleges that Scottish Borders Council have failed to provide ████████ with a co-ordinated support plan.”</p> <p>“Section 12 of the Education (Additional Support for Learning) (Scotland) Act 2004, as amended. The complainant alleges that Scottish Borders Council have failed to seek and take account of views and information from such appropriate agencies and other persons as the education authority think appropriate as well as the young person or, where the authority are satisfied the young person lacks capacity, the young person's parent.”</p>	Invalid
29 Jun 11	██████	City of Edinburgh Council	“City of Edinburgh Council have failed in their duty to make adequate and efficient provision for the additional support needs of a child under section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004”	Complaint not upheld
19 Aug-11	██████	City of Edinburgh Council	“City of Edinburgh Council have failed in their duty to make adequate and efficient provision for the additional support needs of a child under section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004”	Complaint not upheld
1-Sep -11	██████	Falkirk Council	<p>“There has been a breach of duty under Section 4 of the Education Additional Support for Learning Act to make adequate and sufficient provision for my child's additional support needs”</p> <p>“The build up of this horrendous predicament is due to education failing in their duties to accept relevant medical advice on behalf of the child. (Section 12(2)(c)) of the education (additional support for learning) Scotland Act 2004”</p> <p>“The following points further evidence a breach of Section 4 of the Education Additional Support for Learning Act”</p>	Complaint not upheld
15-Sep-11	██████	South Ayrshire Council	“South Ayrshire Council have failed in their duty to comply with the wishes of the complainant to be accompanied by a supporter in discussions with the school in terms of section 14 of the Education (Additional Support for Learning) (Scotland) Act 2004”	Complaint not upheld
19 Sep 11	██████	Highland Council	“Highland Council also have a duty in terms of Section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 to make adequate provision	Complaint not upheld

			for [REDACTED] additional support needs. They have failed to do so”	
28-Sep-11	[REDACTED]	Fife Council	“We wish to make a complaint against Fife Council under section 4 of the Education (Additional Support for Learning Scotland) Act 2004, in that they failed to supply the additional support required”	Complaint withdrawn by complainant
18 Jun-13	[REDACTED]	Highland Council	“We believe that the Highland Council have failed under some specific grounds with regard to the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended), in particular, Section 4. According to this section, an education authority has a duty to make adequate and efficient provision for the additional support needs of a child or young person who has those needs. We believe that the Highland Council failed in this duty.”	Complaint not upheld
24 Sep- 15	[REDACTED]	Perth and Kinross	“S4. Education (ASL) Scotland Act 2004”	Resolved following complaint made