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**The Scottish Ministers**

**Learning Directorate**

**Victoria Quay**

**Edinburgh**

**EH6 6QQ**

Under section 70 of the Education (Scotland) Act 1980 any interested party can make a complaint to Scottish Ministers where they believe that a responsible body (an education authority, managers of a school or any other educational establishment or other persons) has failed to carry out a duty that they are required to carry out under an education enactment.

Section 70 complaints can only be made in certain circumstances, as described above. Before making a complaint under section 70, you may like to consider if it is the most appropriate course of action. Further information is provided in the guidance for users of the section 70 process.

Section 70 gives a discretionary power to the Scottish Ministers to make an order to enforce a statutory duty to be carried out. To establish that there is a current failure, evidence will be requested from both the responsible body concerned and the complainant to establish the validity of the complaint. Where it appears that there has been a failure, Education Scotland will investigate the case and act as advisors to the Scottish Ministers. If, after investigation, the Scottish Ministers are satisfied that the responsible body has failed to discharge a duty, they may make an order under section 70:

1. declaring the responsible body concerned to be in default of a statutory duty in relation to education: and
2. requiring the responsible body concerned to discharge that duty.

If the responsible body concerned fails to discharge the duty by a specified date, the Scottish Ministers may make arrangements for the discharge of the duty.

**Before making a reference under section 70, you are advised to read the accompanying guidance on the section 70 process.**

**Section 1: Your Details**

Please tick one of the following:

|  |  |
| --- | --- |
| 1. I am a parent of a child
 |  |
| 1. I am a young person
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| 1. I represent the complainant
 |  |
| 1. I am a person making a complaint (none of the above)
 |  |

**If you have ticked box number 3, please provide your details in the box provided at (e)**

|  |  |
| --- | --- |
| **(a) Name of Complainant** |  |

|  |  |
| --- | --- |
| **(b) Name of Child****(if different from above)** |  |

|  |  |
| --- | --- |
| **(c) Education authority** |  |

|  |  |
| --- | --- |
| **(d) School** |  |

|  |  |
| --- | --- |
| **(e) Address for response from Scottish Government** |  |

|  |  |
| --- | --- |
| **(f) Telephone number** |  |

|  |  |
| --- | --- |
| **(g) Email address** |  |

|  |  |
| --- | --- |
| **Your signature** |  |

|  |  |
| --- | --- |
|  **Date** |  |

**Section 2: Your Complaint**

**Complaint 1.**

**Please state below which duty under education legislation you consider has not been carried out**

**e.g. Section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004**

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**Please use the following box to tell us about the complaint. Please include the following:**

* **What your complaint is**
* **An outline of the evidence you have provided and how it supports your complaint**

**Please attach the evidence which supports your complaint, ensuring this is marked complaint number 1.**

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**Complaint 2.**

**Please state below which duty under education legislation you consider has not been carried out**

**e.g. Section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004**

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**Please use the following box to tell us about the complaint. Please include the following:**

* **What your complaint is**
* **An outline of the evidence you have provided and how it supports your complaint**

**Please attach the evidence which supports your complaint, ensuring this is marked complaint number 2.**

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**Complaint 3.**

**Please state below which duty under education legislation you consider has not been carried out**

**e.g. Section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004**

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**Please use the following box to tell us about the complaint. Please include the following:**

* **What your complaint is**
* **An outline of the evidence you have provided and how it supports your complaint**

**Please attach the evidence which supports your complaint, ensuring this is marked complaint number 3.**

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**Complaint 4.**

**Please state below which duty under education legislation you consider has not been carried out**

**e.g. Section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004**

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**Please use the following box to tell us about the complaint. Please include the following:**

* **What your complaint is**
* **An outline of the evidence you have provided and how it supports your complaint**

**Please attach the evidence which supports your complaint, ensuring this is marked complaint number 4.**

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