

# COMPLAINT TO THE SCOTTISH MINISTERS UNDER SECTION 70 OF THE EDUCATION (SCOTLAND) ACT 1980



**The Scottish Ministers  
Learning Directorate  
Victoria Quay  
Edinburgh  
EH6 6QQ**

Under section 70 of the Education (Scotland) Act 1980 anyone with an interest has the right to refer alleged failings to currently carry out a duty imposed by an enactment relating to education to the Scottish Ministers.

Section 70 complaints can only be made in respect of an alleged failure by a relevant body to carry out a duty imposed on them by legislation relating to education. It does not apply to common-law duties (such as a duty of care) nor is it concerned with the merits of a decision of any education provider (section 70 is not intended to enable the Scottish Ministers to quash a decision made by any education provider just because they disagree with it).

Section 70 gives a discretionary power for 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 education provider concerned and 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 advisers to the Scottish Ministers. If, after investigation, the Scottish Ministers are satisfied that the education provider has failed to discharge a duty, they may make an order under section 70:

- a. declaring the education provider concerned to be in default of a statutory duty in relation to education; and
- b. requiring the education provider concerned to discharge that duty.

If the education provider concerned fails to discharge the duty by a specified date, the Scottish Ministers may make arrangements for the discharge of the duty and all expenses incurred shall be recoverable as a debt due by the education provider to the Scottish Ministers.

We will aim to acknowledge receipt of your complaint within five days of receipt.

Victoria Quay, Edinburgh EH6 6QQ  
[www.scotland.gov.uk](http://www.scotland.gov.uk)



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## Section 1: Your Details

Please tick one of the following:

1. I am a parent of a child
2. I am a young person
3. I represent the complainant
4. 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 provider**

**(d) School**

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

**(f) Telephone No.**

**(g) E-mail address**

**Your signature**

**Date**



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## Section 2: Your Complaint

### Complaint 1.

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

e.g. Section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004

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 the evidence 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 4 of the Education (Additional Support for Learning) (Scotland) Act 2004

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 the evidence 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 4 of the Education (Additional Support for Learning) (Scotland) Act 2004

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 the evidence 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 4 of the Education (Additional Support for Learning) (Scotland) Act 2004

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 the evidence is marked complaint number 4.