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.
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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.