

# EDUCATION (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1: School Education

##### *Section 3: Plans and reports*

16. **Section 3** inserts new sections 3E, 3F, 3G, 3H and 3I into the 2000 Act.
17. Section 3E requires the Scottish Ministers, before the beginning of “the planning period”, to prepare and publish a plan describing the steps they intend to take during that period to reduce the inequalities of outcome experienced by pupils mentioned in section 3A(2) and the educational benefits they intend to secure as a result of taking those steps. This annual plan may form part of the National Improvement Framework. The “planning period” is defined as the period of 12 months beginning with such day as the Scottish Ministers may prescribe by regulations. The regulations would be subject to the negative procedure.
18. Section 3F requires education authorities, before the beginning of the planning period, to prepare and publish “annual plans” describing the steps they intend to take during the planning period in pursuance of the National Improvement Framework for Scottish education. The annual plan will also describe the steps they intend to take to reduce the inequalities of outcome experienced by pupils mentioned in section 3A(2) and the ways in which they will consult key partners when deciding how this should be achieved. Finally, the plan must set out any educational benefits they intend to secure as a result of taking all of these steps. Education authorities must give a copy of the annual plan to the Scottish Ministers as soon as reasonably practicable after publishing the plan. Where a new National Improvement Framework has been published, education authorities must review and, where necessary, revise their annual plan. Such a revised plan must be published and a copy given to the Scottish Ministers.
19. Sections 3G and 3H require both education authorities and the Scottish Ministers to prepare and publish “annual reports” setting out the steps they have taken in pursuance of the National Improvement Framework for Scottish education. These reports will also describe the steps they have taken to reduce the inequalities of outcome experienced by pupils mentioned in section 3A(2). Further, they will set out any educational benefits secured as a result of taking these steps. In preparing their annual report, Scottish Ministers must take account of relevant international benchmarking data. In addition, an education authority’s annual report must set out the steps taken by the education authority to fulfil its duty under section 3B(3) of the 2000 Act (duty to seek and have regard to the views of, and provide appropriate advice and support to, specified persons). It may also set out steps taken by a person other than the education authority with a view to reducing inequalities of outcome experienced by pupils mentioned in section 3A(2) where that activity was included in the children’s services plan for the authority’s area (required by section 8 of the Children and Young People (Scotland) Act 2014). The education authority’s annual report must be given to the Scottish Ministers as soon as reasonably practicable after publishing. The Scottish Ministers must, as

*These notes relate to the Education (Scotland) Act 2016  
(asp 8) which received Royal Assent on 8 March 2016*

soon as reasonably practicable after publishing an annual report, lay a copy before the Scottish Parliament.

20. Section 3I places a duty on education authorities to prepare and publish an annual statement which sets out the way in which they will encourage equal opportunities and, in particular, the observance of the “equal opportunity requirements and to report thereon. Section 3I restates the previous duty which was contained in section 5 of the 2000 Act and which is repealed by section 2(3) of the Act. “Equal opportunities” and “equal opportunity requirements” are defined for the purposes of section 3I by reference to the meanings given to those expressions in Schedule 5 to the Scotland Act 1998.
21. Subsections (3), (4), (6) and (7) of section 3 amend section 6, section 8 and section 58(1) of the 2000 Act, re-naming “school development plans” as “school improvement plans”, and requiring that those plans take account of the relevant education authority’s annual plan (including any revised plan) and annual report, thereby aligning those plans with the National Improvement Framework.
22. Subsection (5) amends section 7 of the 2000 Act, requiring that education authorities take into account both the National Improvement Framework and their annual plan (published under section 3F of the 2000 Act) when defining and publishing measures and standards of performance for schools in their area.