

Draft Regulations laid before the Scottish Parliament under section 133(2BA)(a) of the Education (Scotland) Act 1980 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

EDUCATION

**The Head Teachers Education and Training
Standards (Scotland) Regulations 2019**

Made - - - - 2019
Coming into force - - 1st August 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2, 74(1) and 90A(1), (2) and (3)(a) of the Education (Scotland) Act 1980(1) and all other powers enabling them to do so.

In accordance with section 133(2BA)(a) of that Act(2), a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Head Teachers Education and Training Standards (Scotland) Regulations 2019 and come into force on 1 August 2020.

(2) In these Regulations—

“the GTCS” means the body corporate known as the General Teaching Council for Scotland as referred to in article 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011(3) (“the 2011 Order”),

“the Standard for Headship” means the professional standard awarded to a person by the GTCS pursuant to the GTCS’s functions under article 6 of the 2011 Order and rules made under article 15 of the 2011 Order,

“the 1980 Act” means the Education (Scotland) Act 1980.

(1) [1980 c.44](#) (“the 1980 Act”). Section 2 was amended by section 36 and schedule 6 of the Education (Scotland) Act 1996 ([c.43](#)) and section 69(1) of the Self-Governing Schools etc. (Scotland) Act 1989 ([c.39](#)) (“the 1989 Act”). Section 74(1) was amended by section 82(1) and schedule 10 of the 1989 Act. Section 90A of the 1980 Act was inserted by section 28(1) of the Education (Scotland) Act 2016 ([asp 8](#)) (“the 2016 Act”). The functions of the Secretary of State under sections 2 and 74(1) of the 1980 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c.46](#)).

(2) Section 133(2BA) was inserted into the 1980 Act by section 28(3) of the 2016 Act.

(3) [S.S.I. 2011/215](#).

Head teachers: education and training standards

2.—(1) Subject to regulation 3, only persons falling within section 90A(2) of the 1980 Act may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.

(2) A person falls within section 90A(2) of the 1980 Act if the person has achieved the Standard for Headship.

Exemptions

3.—(1) Regulation 2 does not apply to a person who on or before 1 August 2020 held a permanent appointment as a head teacher of a public school, a grant-aided school or an independent school.

(2) Regulation 2 does not prevent the appointment of a person as a head teacher by an education authority or manager of a grant aided school on or after 1 August 2020 where that person has not yet achieved the Standard for Headship, provided the appointment does not exceed 30 months.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2(1) provides that only persons falling within section 90A(2) of the Education (Scotland) Act 1980 (c.44) (“the 1980 Act”) may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.

Regulation 2(2) provides that a person falls within section 90A(2) of the 1980 Act if the person has achieved the Standard for Headship.

“The Standard for Headship” is defined in regulation 1(2) as meaning the professional standard awarded to a person by the General Teaching Council for Scotland (“the GTCS”), pursuant to the GTCS’s functions under article 6 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215) and rules made under article 15 of that Order.

This instrument comes into force on 1 August 2010 and regulation 2 applies to appointments made on or after that date.

Regulation 3 provides for exemptions from the general requirement in regulation 2(1) that only persons who have achieved the Standard for Headship may be appointed as head teachers by education authorities or managers of grant-aided schools.

Regulation 3(1) provides that the general requirement does not apply to a person who on or before 1 August 2020 held a permanent appointment as a head teacher of a public school, a grant-aided school or an independent school.

Regulation 3(2) provides that the general requirement in regulation 2(1) does not prevent the appointment of a person as a head teacher, by an education authority or manager of a grant aided school, on or after the 1 August 2020 where that person has not yet achieved the Standard for Headship provided the appointment does not exceed 30 months.