

EXECUTIVE NOTE

THE EDUCATION (LOWER PRIMARY CLASS SIZES) (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI/2010/326

The above instrument was made in exercise of the powers conferred by section 2 of the Education (Scotland) Act 1980 and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

The Scottish Government is committed to reducing P1-P3 classes to a maximum of 18 pupils. This commitment is set out in the Concordat with Local Government (14 November 2007). The purpose of the instrument is to amend The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (“the principal regulations”) in order to introduce a maximum class size for Primary 1 pupils of 25 with effect from the start of the school year beginning in 2011. This will replace the current statutory class size maximum of 30 for such pupils and will apply except in situations where there is more than one teacher in the class or there are “excepted pupils” in the class (i.e. the team teaching and the “excepted pupils” provisions of the principal regulations are retained). The Government's intention in making these Regulations is that the class size limit of 25 should be seen as a 'ceiling' and should not preclude local authorities from pursuing local class size policies that would result in smaller classes than set in Regulations.

Consultation

The organisations set out in the Annex to this note were consulted. Eighty responses were received from consultees and also members of the public. The majority were in favour of legislating to reduce Primary 1 classes to a maximum of 25. The responses to the consultation have been published on the Scottish Government website and can be accessed at <http://www.scotland.gov.uk/Publications/2010/08/04111140/0>.

Financial effects

In 2009 91% of Primary 1 pupils were taught in classes of 25 or fewer pupils. When classes of 50 pupils or fewer being taught by 2 teachers are taken into account this figure rises to 93.2%. The previous administration had a commitment to reduce Primary 1 classes to a maximum of 25 by 2007 and provided funding for this through the National Priorities Action Fund. This funding was rolled up into the Local Government Finance settlement. Sufficient funding is therefore available to local authorities to reduce Primary 1 classes to a maximum of 25 although it is no longer ring fenced.

Scottish Government Learning Directorate
14 September 2010

ANNEX

Organisations consulted

Local Authority Organisations

All Chief Executives and Directors of Education of Local Authorities in Scotland

Association of Directors of Education Scotland

Association of Directors of Social work Scotland

Convention of Scottish Local Authorities

Teacher Organisations

Association of Headteachers and Deputes in Scotland

Association of Teachers and Lecturers (Scotland)

Educational Institute of Scotland

NASUWT (Scotland)

Scottish Secondary Teachers' Association

School Leaders Scotland

Voice

Other Education Organisations

Association of Scotland's Colleges

General Teaching Council for Scotland

General Teaching Council England

Her Majesty's Inspector of Education

Learning Teaching Scotland

Lifelong Learning UK

Parenting Across Scotland

Scotland's Colleges

Scottish Council for Independent Schools

Scottish Home Education Association

Scottish Higher Education Institutes

Scottish Muslim Parents Association

Scottish Network for Parental Involvement in Children's Learning

Scottish Parent Council Association

Scottish Parent Teacher Council

Scottish Parental Involvement Officer Network

Scottish Qualifications Authority

Scottish Traveller Education Programme

Other Organisations

Action of Churches Together in Scotland

Church of Scotland

Consumer Focus Scotland

Enquire

Equality and Human Rights Commission

General Medical Council

Glasgow Asylum Support Project

Interfaith council

Office of the Commissioner for Public Appointments Scotland

Scottish Catholic Education Service

Scottish Council of Jewish Community/Islam

Scottish Youth Parliament

Political Organisations

Education and Lifelong Learning Committee of the Scottish Parliament

Scottish Conservative and Unionist Party

Scottish Green Party

Scottish Labour

Scottish Liberal Democrats

Scottish National Party

Scottish Socialist Party

Scottish MEPs