

FURTHER AND HIGHER EDUCATION (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 - Further and Higher Education Etc.

The Council: functions

Section 13 Quality of fundable further and higher education

23. This section puts a duty on the Council to secure provision for the assessment and enhancement of quality in the activities it funds. This extends the existing duty to assess quality in higher education institutions to cover colleges and introduces a new statutory duty to enhance quality for both sectors.
24. Quality is assessed in colleges by Her Majesty's Inspectorate of Education and in higher education institutions by the Quality Assurance Agency for Higher Education.

Section 14 Credit and qualification framework

25. This section places a duty on the Council to promote a credit and qualification framework for use by the fundable bodies. This section is linked to the provision made in section 7(2)(f) which will require all fundable bodies to make use of whichever framework the Council promotes.
26. It is not intended that the Council will be responsible for devising or implementing such a framework, but that it should take account of the view of Ministers, and consult with fundable bodies and other representatives to adopt the framework which is most relevant.

Section 15 Efficiency studies

27. This extends the provision in section 51 of the 1992 Act which gave the Scottish Higher Education Funding Council the power to carry out or commission efficiency studies, to the new Council, to cover all fundable bodies.

Section 16 Council's right to address meetings

28. This is a new section which will give the Council a power to attend any meeting of the governing body of a fundable body where the Council has concerns over any aspect relating to funding provided by the Council, and address the meeting on these matters.

Section 17 Advisory functions

29. **Section 17** provides for the duty on the Council to provide information, advice and assistance to Ministers, as they require. This has been extended from existing provisions

*These notes relate to the Further and Higher Education (Scotland)
Act 2005 (asp 6) which received Royal Assent on 1 June 2005*

for Scottish Higher Education Funding Council and Scottish Further Education Funding Council, in sections 8 and 43 of the 1992 Act.

Section 18 Functions regarding certain property

30. This extends existing provisions for the Scottish Higher Education Funding Council from section 43 of the 1992 Act, to all fundable bodies. This allows Ministers to delegate their functions in respect of rights which Ministers may have in land and property that is used or held for the purposes of a fundable body, to the Council.

Section 19 Administration of certain support

31. The Scottish Further Education Funding Council currently allocates money to colleges for them to allocate to students as student support. This section makes further provision as to the powers under which Ministers and the Council are able to do this.
32. This section amends the Education (Scotland) Act 1980, (“the 1980 Act”) by inserting a new section 73ZA to permit the Scottish Ministers to direct the Council or any other body or person to administer forms of student support, where such support is granted under section 73(a), (c) or (f) of the 1980 Act. (These sections provide for the powers of the Scottish Ministers, in accordance with regulations, to pay grants to education authorities or the managers of education establishments, and for the payment of allowances or loans to persons undertaking courses of education.) This section also amends section 73A of the 1980 Act to allow the delegation of Ministers’ functions under section 73(a) and (c) of the 1980 Act. These provisions will apply only insofar as relating to support for students undertaking or who have undertaken courses of education at fundable bodies as such bodies are defined in the Act. The purpose of this provision is to allow, through direction or delegation, the administration of forms of student support on behalf of the Scottish Ministers by the Council or other bodies or persons.