

EDUCATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: School Education

Section 1: Pupils experiencing inequalities of outcome

9. This section inserts new sections 3A and 3B into the Standards in Scotland's Schools etc. Act 2000 ("the 2000 Act"). Section 3A places a duty on the Scottish Ministers to have due regard to the need to reduce inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage. The Scottish Ministers must fulfil this duty when exercising their powers in relation to the delivery of school education. The duty extends to both the Scottish Government and its agencies.
10. Section 3B of the 2000 Act places an equivalent duty on education authorities. Such authorities must satisfy this duty when making strategic decisions about how to carry out their functions for the delivery of school education and when considering what steps to take to implement such decisions. Section 3B(3) requires the education authority to seek and have regard to the views of head teachers, trade unions representing teachers, pupils, parents, voluntary organisations and others when seeking to carry out their duty.
11. Section 3A(2)(b)(ii) (as read with section 3B(2)) of the 2000 Act provides for the Scottish Ministers to extend, through regulations, the scope of the duties placed on them and education authorities so as to capture other groups of children experiencing inequalities of educational outcome in addition to those who are impacted by socio-economic disadvantage. This enabling power is subject to affirmative procedure.
12. The term 'school education' (which is defined in section 58(2) of the 2000 Act as having the meaning given in section 135(1) of the 1980 Act) extends to the delivery of early learning and childcare as defined in section 46 of the Children and Young People (Scotland) Act 2014.