

These notes relate to the Standards in Scotland's Schools etc. Act 2000 (asp 6) which received Royal Assent on 14 July 2000

STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

EXPLANATORY NOTES

THE ACT

Sex education and medical matters

Section 56 - Guidance to education authorities as to manner of conducting sex education

140. This section gives the Scottish Ministers the power to issue guidance to education authorities in relation to the manner in which sex education is conducted. If local authorities do not comply with the guidance they may be open to challenge if it was shown that they acted unreasonably in doing so.

Section 57 – Consent of child to medical procedures

141. Section 57(2) of the Education (Scotland) Act 1980 empowers an education authority in certain circumstances to require the parent of any pupil at one of their schools to submit the pupil for medical or dental inspection (or to require a 16 or 17 year old at any other educational establishment run by them to submit himself for such inspection). Section 58 of the Act gives education authorities the powers likewise to ensure cleanliness of pupils and young persons. Since the 1980 Act was introduced there have been changes to the age of legal capacity whereby a child under the age of 16 with sufficient understanding to consent to medical or dental treatment has the right to do so. The new section 131A of the Education (Scotland) Act introduced by section 52 ensures that in the case of such a child any inspection or treatment under section 57 or 58 of the 1980 Act can only be carried out with the child's consent.