Education (Scotland) Act 2016

2016 asp 8

PART 1

SCHOOL EDUCATION

1 Pupils experiencing inequalities of outcome

After section 3 of the Standards in Scotland's Schools etc. Act 2000 insert—

"3A Pupils experiencing inequalities of outcome: Scottish Ministers' duty

(1) The Scottish Ministers must, when exercising their powers relating to school education, have due regard to the need to exercise the powers in the way mentioned in subsection (2).

(2) The way is a way designed to reduce inequalities of outcome for—
- (a) pupils who experience those inequalities as a result of socio-economic disadvantage, and
- (b) pupils who—
  - (i) experience those inequalities other than as a result of socio-economic disadvantage, and
  - (ii) are of such description as may be specified in regulations made by the Scottish Ministers.

(3) Regulations under subsection (2)(b)(ii) are subject to the affirmative procedure.

3B Pupils experiencing inequalities of outcome: education authority's duties

(1) This section applies where—
- (a) an education authority is making a decision of a strategic nature about the carrying out of its functions relating to school education, or
- (b) an education authority is considering what steps to take to implement such a decision.

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(2) The authority must have due regard to the need to carry out its functions relating to school education in the way mentioned in section 3A(2).

(3) The authority must—

(a) seek and have regard to the views of persons mentioned in subsection (4) in relation to the decision and steps,

(b) provide any advice and support that the authority thinks appropriate to those persons in relation to its consideration of the decision and steps.

(4) The persons are—

(a) the headteachers of such schools managed by the authority as the authority thinks appropriate,

(b) such pupils as the authority thinks appropriate,

(c) the parents of such pupils as the authority thinks appropriate,

(d) the representatives of any trade union which appears to the authority to be representative of the teaching staff at such schools managed by the authority as the authority thinks appropriate,

(e) such voluntary organisations as the authority thinks appropriate,

(f) any other persons the authority thinks appropriate.”.

Commencement Information

I1 S. 1 in force at 1.8.2016 for specified purposes by S.S.I. 2016/192, reg. 2, **sch.**

2 National Improvement Framework

(1) The Standards in Scotland's Schools etc. Act 2000 is amended as follows.

(2) After section 3B (inserted by section 1) insert—

“3C National Improvement Framework

(1) In pursuance of the duty imposed on them by section 3(1), the Scottish Ministers must prepare and publish a statement setting out strategic priorities and objectives in relation to school education (the “National Improvement Framework”).

(2) The Scottish Ministers must review each year the National Improvement Framework.

(3) In carrying out a review under subsection (2), the Scottish Ministers must—

(a) give the persons mentioned in subsection (4) an opportunity to express views on the National Improvement Framework, and

(b) have regard to any such views.

(4) The persons are—

(a) education authorities,

(b) persons appearing to the Scottish Ministers to be representative of teachers employed by education authorities for the provision of school education,

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(c) such pupils who are being provided with school education as the Scottish Ministers think appropriate,

(d) such parents of pupils who are being provided with school education as the Scottish Ministers think appropriate.

(5) The Scottish Ministers must specify, in such manner as they may determine, the way in which they have complied with the duties imposed by subsection (3).

(6) If the Scottish Ministers wish to modify the National Improvement Framework following a review under subsection (2), they must prepare and publish a new National Improvement Framework which takes account of the modifications.

(7) In subsection (1), "school education" means school education directed as is described in section 2.

3D Carrying out of education authority's duty under section 3(2)

(1) Subsection (2) applies where an education authority is carrying out the duty imposed on it by section 3(2) to endeavour to secure improvement in the quality of school education which is provided in the schools managed by it.

(2) The education authority must carry out the duty with a view to achieving the strategic priorities set out in the National Improvement Framework.".

(3) Sections 4 (national priorities in education) and 5 (education authority's annual statement of improvement objectives) are repealed.

(4) In section 58(1) (interpretation)—

(a) the definitions of "annual statement of education improvement objectives" and "national priorities in education" are repealed, and

(b) after the definition of "moveable property" insert—

""National Improvement Framework" has the meaning given by subsection (1) of section 3C; and includes (except in that subsection) a new National Improvement Framework published under subsection (6) of that section;".

Commencement Information

I2 S. 2(1)(2)(3)(4)(a) in force at 1.8.2016 for specified purposes by S.S.I. 2016/192, reg. 2, **sch.**

I3 S. 2(4)(b) in force at 1.8.2016 by S.S.I. 2016/192, reg. 2, **sch.**

3 Plans and reports

(1) The Standards in Scotland's Schools etc. Act 2000 is amended as follows.

(2) After section 3D (inserted by section 2) insert—

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"**3E Annual plan: Scottish Ministers**

(1) Before the beginning of the planning period each year, the Scottish Ministers must prepare and publish a plan setting out—
   (a) the steps that they propose to take during the planning period with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2), and
   (b) the educational benefits for those pupils that they consider will result from taking those steps.

(2) In subsection (1), "planning period" means the period of 12 months beginning with such day as the Scottish Ministers may prescribe by regulations.

(3) Regulations under subsection (2) are subject to the negative procedure.

3F Annual plan: education authority

(1) Before the beginning of the planning period each year, each education authority must prepare and publish a plan (an "annual plan") setting out—
   (a) the steps that the authority proposes to take during the planning period with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),
   (b) the steps that the authority proposes to take during the planning period to comply with the duties imposed on it by section 3B(3),
   (c) the steps that the authority proposes to take during the planning period in pursuance of the National Improvement Framework, and
   (d) any educational benefits for pupils that the authority considers will result from taking those steps.

(2) As soon as reasonably practicable after publishing an annual plan, each education authority must give a copy of the plan to the Scottish Ministers.

(3) If a new National Improvement Framework is published by virtue of section 3C(6), each education authority must—
   (a) review the authority's annual plan,
   (b) make any revisions that are necessary in view of the new National Improvement Framework, and
   (c) if the authority makes any revisions under paragraph (b), publish a revised annual plan and give a copy of it to the Scottish Ministers.

(4) In subsection (1), "planning period" means the period of 12 months beginning with such day as the Scottish Ministers may prescribe by regulations.

(5) Regulations under subsection (4) are subject to the negative procedure.

3G Annual report: Scottish Ministers

(1) As soon as reasonably practicable after the end of the period to which a plan published under section 3E(1) relates, the Scottish Ministers must prepare and publish a report (an "annual report") setting out for that period—
   (a) the steps they have taken with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),

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(b) any steps they have taken in pursuance of the National Improvement Framework, and

(c) any educational benefits for pupils that they consider result from taking those steps.

(2) In preparing an annual report, the Scottish Ministers must take account of information deriving from benchmarking with other countries in so far as they consider it relevant to the matters that are to be included in the report.

(3) As soon as reasonably practicable after publishing an annual report the Scottish Ministers must lay a copy of the report before the Scottish Parliament.

3H Annual report: education authority

(1) As soon as reasonably practicable after the end of the period to which a plan published under section 3F(1) relates, each education authority must prepare and publish a report setting out for that period—

(a) the steps the authority has taken with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2),

(b) the steps the authority has taken to comply with the duties imposed on it by section 3B(3),

(c) any steps the authority has taken in pursuance of the National Improvement Framework, and

(d) any educational benefits for pupils that the authority considers result from taking those steps.

(2) A report under subsection (1) may also include information on steps taken, with a view to reducing inequalities of outcome for pupils of a type mentioned in section 3A(2), by a person other than the education authority which were included in the children's services plan for the authority's area.

(3) In subsection (2), “children's services plan” has the meaning given by section 8(2) of the Children and Young People (Scotland) Act 2014.

(4) As soon as reasonably practicable after publishing a report, an education authority must give a copy of it to the Scottish Ministers.

3I Equal opportunities

(1) Each education authority must prepare and publish each year a statement (an “annual statement”) setting out for the relevant period the ways in which the authority will, in providing school education, encourage equal opportunities and in particular the observance of the equal opportunity requirements.

(2) As soon as reasonably practicable after the end of each relevant period, each education authority must prepare and publish a report setting out any activities carried out by it in pursuance of its annual statement.

(3) In this section—

“equal opportunities” and “equal opportunity requirements” have the same meanings as in the exceptions to Section L2 of Schedule 5 to the Scotland Act 1998, and

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"relevant period", in relation to an annual statement, means the period of 12 months beginning with the day after the day on which the annual statement is published.".

(3) In the title of section 6, for "development" substitute " improvement ".

(4) In section 6 (school improvement plans)—

(a) in subsection (1)(a)—

(i) for "a development" substitute " an improvement ", and

(ii) for the words from "objectives", where it first occurs, to "objectives", where it second occurs, substitute " authority's plan (or revised plan) under section 3F, report under section 3H and strategy for parental involvement ", and

(b) in each of subsections (1)(b) and (3) to (6), for "development", wherever it occurs, substitute " improvement ".

(5) In section 7 (review of school performance), after subsection (1), insert—

"(1A) In defining measures and standards of performance for the purposes of subsection (1), an education authority must take into account—

(a) the National Improvement Framework, and

(b) the plan (or revised plan) published by the authority under section 3F.".

(6) In section 8(2)(a) (preparation of school improvement plan delegated to headteacher), for "development" substitute " improvement ".

(7) In section 58(1) (interpretation), in the definition of "school development plan"—

(a) for "development", where it first occurs, substitute " improvement ", and

(b) for "a development" substitute " an improvement ".

Commencement Information

I4 S. 3(1)(2) in force at 1.12.2016 for specified purposes by S.S.I. 2016/192, reg. 2, **sch.**

4 Guidance

In section 13 of the Standards in Scotland's Schools etc. Act 2000 (guidance to education authorities)—

(a) the existing provision becomes subsection (1),

(b) after that subsection insert—

"(2) Before issuing any guidance in relation to the duties of education authorities under section 3B or 3D, the Scottish Ministers must consult the following persons about the proposed guidance—

(a) each education authority,

(b) the parents of any pupils that the Scottish Ministers think appropriate,

(c) any voluntary organisations that the Scottish Ministers think appropriate,

(d) any other persons that the Scottish Ministers think appropriate.".

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Commencement Information

I5 S. 4 in force at 1.8.2016 by S.S.I. 2016/192, reg. 2, **sch.**

VALID FROM 01/08/2017

5 Duties in relation to promotion of health

In section 2A of the Standards in Scotland's Schools etc. Act 2000 (duties in relation to promotion of health), after subsection (4) insert—

"(4A) Each education authority must prepare and publish each year a statement (an "annual statement") setting out the ways in which the authority proposes to carry out the duty imposed by subsection (2) during the relevant period.

(4B) As soon as reasonably practicable after the end of each relevant period, each education authority must prepare and publish a report setting out the ways in which the authority has carried out the duty imposed by subsection (2) during the relevant period.

(4C) In subsections (4A) and (4B), "relevant period", in relation to an annual statement, means the period of 12 months beginning with the day after the day on which the annual statement is published.".

VALID FROM 01/08/2017

6 Parental involvement

(1) The Scottish Schools (Parental Involvement) Act 2006 is amended as follows.

(2) In section 2 (strategies for parental involvement)—

(a) after subsection (4) insert—

"(4A) Each education authority must publish—

(a) their strategy for parental involvement prepared under subsection (1), and

(b) any strategy for parental involvement revised by the authority under subsection (3)(b).", and

(b) subsection (5) is repealed.

(3) After section 2 insert—

"**2A Strategy for parental involvement: annual report**

(1) Each education authority must prepare and publish each year a report (an "annual report") on the activities undertaken by the authority during the relevant period in pursuance of the general policies set out in the authority's strategy for parental involvement.

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(2) In subsection (1), "relevant period", in relation to an annual report, means the period of 12 months ending with the day on which the report is published.".

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