

Draft Order laid before the Scottish Parliament under section 20(9) of the Post-16 Education (Scotland) Act 2013, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

EDUCATION

**The Young People's Involvement in Education and
Training (Provision of Information) (Scotland) Order 2014**

Made - - - -

Coming into force - - *1st May 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 20(1), (3) and (8) of the Post-16 Education (Scotland) Act 2013⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 20(9) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Young People's Involvement in Education and Training (Provision of Information) (Scotland) Order 2014 and comes into force on 1st May 2014.

(2) In this Order—

“the 1980 Act” means the Education (Scotland) Act 1980⁽²⁾;

“the 2004 Act” means the Education (Additional Support for Learning) (Scotland) Act 2004⁽³⁾;

“college of further education” means a college which is a post-16 education body—

- (a) by which fundable further education or fundable higher education is provided; and
- (b) which is not a higher education institution;

“fundable further education” and “fundable higher education” have the meanings given in section 5 of the 2005 Act;

“higher education institution” means an institution which is a post-16 education body and which is—

(1) 2013 asp 12.
(2) 1980 c.44.
(3) 2004 asp 4.

- (a) a university; or
- (b) a designated institution within the meaning of section 44(2) of the 1992 Act;
- “post-16 education body” has the meaning given in section 35(1) of the 2005 Act⁽⁴⁾; and
- “Skills Development Scotland” means The Skills Development Scotland Co. Limited.
- (3) In this Order, any reference to information in relation to a young person’s support needs includes—
- (a) information relating to whether a young person has or had—
- (i) any additional support needs as construed in accordance with section 1(1) of the 2004 Act;
- (ii) any co-ordinated support plan within the meaning of section 2 of the 2004 Act; and
- (iii) any other plan or arrangement made by or agreed with a school or education authority to support a young person;
- (b) information relating to whether a young person is being or has been looked after within the meaning of section 17(6) of the Children (Scotland) Act 1995⁽⁵⁾; and
- (c) information relating to whether a young person is a carer providing care and support to a family member on a regular basis.
- (4) In this Order, any reference to the governing body of a post-16 education body means—
- (a) in the case of a post-16 education body conducted by a body corporate, that body corporate;
- (b) in the case of a post-16 education body not falling within sub-paragraph (a), the executive body which has responsibility for the management and administration of the revenue and property of the post-16 education body and the conduct of its affairs; or
- (c) in any other case, any board of governors of the post-16 education body or any person responsible for the management of the post-16 education body, whether or not formally constituted as a governing body or board of governors.
- (5) In this Order the following expressions have the meanings given in section 135(1) of the 1980 Act⁽⁶⁾—
- “education authority”;
- “school”; and
- “school education”.
- (6) In this Order, references to a young person for whose school education an education authority is responsible is to a young person who is being, is about to be or has been provided with school education—
- (a) in a school under the management of an education authority; or
- (b) in pursuance of arrangements made or entered into by the education authority.
- (7) For the purposes of this Order where arrangements are made or entered into by an education authority in respect of the school education of a young person with another education authority, the authority responsible for that school education is the authority for the area to which the young person belongs despite the education being, or about to be, provided in a school under the management of another authority.

(4) Section 35(1) was amended by paragraph 8(23)(a) of the schedule to the Post-16 Education (Scotland) Act 2013.

(5) 1995 c.36; section 17(6) was amended by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 9(4) (b); the Children’s Hearings (Scotland) Act 2011 (asp 1), schedule 5, paragraph 2(4); and S.S.I. 2013/211.

(6) Section 135(1) has been relevantly amended by the Registered Establishments (Scotland) Act 1987 (c.4), section 2(2); the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9); and the Standards in Scotland’s Schools etc. Act 2000 (asp 6), schedule 3.

(8) In this Order, references to young person belonging to an area are to be construed in accordance with section 23(3) of the 1980 Act(7).

Provision of information to Skills Development Scotland

2.—(1) Subject to paragraph (2), the persons listed in column 1 of Schedule 1 to this Order must provide to Skills Development Scotland the information described in the corresponding entry in column 2 of that Schedule which those persons hold about a young person.

(2) In the application of paragraph (1) to an education authority, the reference to a young person is to be read as a reference to a young person for whose school education the education authority is responsible.

- (3) The information which is to be provided pursuant to paragraph (1) is to be provided—
- (a) in electronic form; and
 - (b) no less frequently than at monthly intervals.

Provision of information by Skills Development Scotland

3.—(1) In the circumstances specified in paragraph (2), Skills Development Scotland must provide to the persons listed in column 1 of Schedule 2 to this Order the information described in the corresponding entry in column 2 of that Schedule which Skills Development Scotland holds about a young person.

- (2) The specified circumstances for the purposes of paragraph (1) are—
- (a) in relation to a governing body of a college of further education, that that young person is undertaking or has undertaken a programme of learning or course of education at that college of further education; or
 - (b) in relation to an education authority, that the education authority is responsible for that young person's school education.

(3) The information which is to be provided pursuant to paragraph (1) is to be provided by making it available in electronic form.

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

(7) Section 23(3) was amended by the Education (Scotland) Act 1981 (c.58), Schedule 7, paragraph 6 and the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), schedule 3, paragraph 3(4)(e).

SCHEDULE 1

Article 2

<i>Column 1</i> <i>Person required to provide information to Skills Development Scotland</i>	<i>Column 2</i> <i>Information which must be provided</i>
Governing bodies of colleges of further education	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — information about any programme of learning or course of education being undertaken by a young person at the college of further education — information about a young person's withdrawal from any programme of learning or course of education being undertaken by a young person at the college of further education prior to completion of that programme of learning or course of education — information about the completion by a young person of any programme of learning or course of education being undertaken by a young person at the college of further education — information about a young person's participation in education, training or work after completion by that young person of any programme of learning or course of education being undertaken by that young person at the college of further education
Education authorities	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — information in relation to any school attended by a young person — information in relation to a young person's support needs — information about a young person's intended participation in education, training or work after leaving school — a young person's anticipated school leaving date — a young person's school leaving date
The Scottish Further and Higher Education Funding Council	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — information about any programme of learning or course of education being undertaken by a young person at a college of further education or higher education institution — information about a young person's withdrawal from any programme of

Column 1

Person required to provide information to Skills Development Scotland

Column 2

Information which must be provided

	<p>learning or course of education being undertaken by that young person at a college of further education or higher education institution prior to completion of that programme of learning or course of education</p> <ul style="list-style-type: none"> — information about the completion by a young person of any programme of learning or course of education being undertaken by that young person at a college of further education or higher education institution — information about a young person's participation in education, training or work after completion by that young person of any programme of learning or course of education being undertaken by that young person at a college of further education or higher education institution
<p>The Scottish Ministers</p>	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — information about any programme of learning or course of education being undertaken by a young person at a college of further education or higher education institution — information about a young person's withdrawal from any programme of learning or course of education being undertaken by that young person at a college of further education or higher education institution prior to completion of that programme of learning or course of education — information about the completion by a young person of any programme of learning or course of education being undertaken by that young person at a college of further education or higher education institution

SCHEDULE 2

Article 3

<i>Column 1</i> <i>Person to whom Skills Development Scotland is required to provide information</i>	<i>Column 2</i> <i>Information which must be provided</i>
Governing bodies of colleges of further education	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — information in relation to a young person’s support needs — information about a young person’s intended participation in education, training or work after leaving school — information about a young person’s participation in education, training or work after that young person is no longer undertaking any programme of learning or course of education at that college of further education
Education authorities	<ul style="list-style-type: none"> — identification and contact information in relation to a young person — the young person’s anticipated school leaving date — information in relation to a young person’s support needs — information about a young person’s intended participation in education, training or work after leaving school — information about a young person’s participation in education, training or work after the education authority is no longer responsible for that young person’s school education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision under section 20 of the Post-16 Education (Scotland) Act 2013 in connection with the provision of information held about a young person.

Article 2 requires the persons listed in column 1 of Schedule 1 to provide to The Skills Development Scotland Co. Ltd (“Skills Development Scotland”) the corresponding information listed in column 2. Article 2(3) requires those persons to provide the information to Skills Development Scotland in electronic form and no less frequently than at monthly intervals.

Article 3 requires Skills Development Scotland to provide to the persons listed in column 1 of Schedule 2 the corresponding information which is listed in column 2. Article 3(2) ensures that

Skills Development Scotland must provide information about a young person only to those colleges at which a young person has undertaken a programme of learning or course of education and to those education authorities responsible for a young person's school education. Article 3(3) requires Skills Development Scotland to provide the information to those persons by making the information available in electronic form.